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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate

Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly, in its resolution 48/154 of 20 December 1993, entitled "Situation of human rights in Cambodia", welcomed the establishment in Cambodia of an operational presence of the Centre for Human Rights of the Secretariat and requested the Secretary-General to assure the protection of human rights of all people in Cambodia. On 1 October 1993, the Centre established its office in Cambodia in Phnom Penh. On 23 November 1993, a Special Representative for human rights in Cambodia, Mr. Michael Kirby (Australia), was appointed to undertake the tasks set out in Commission on Human Rights resolution 1993/6 of 19 February 1993. These tasks include:

(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights.

2. Pursuant to the request of the General Assembly in resolution 48/154, the Special Representative has reported successively to the General Assembly at its forty-ninth session (A/49/635 and Add.1) and to the Commission on Human Rights at its fiftieth 1/ and fifty-first 2/ sessions.

3. The report of the Secretary-General to the General Assembly on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights, submitted pursuant to General Assembly resolution 49/199, is contained in document A/50/681/Add.1.

4. The General Assembly, in its resolution 49/199 of 23 December 1994, entitled "Situation of human rights in Cambodia", requested the Secretary-General to report to the General Assembly at its fiftieth session on the recommendations made by the Special Representative on matters within his mandate. The Assembly also requested the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made by the Special Representative in his report to the Assembly and those contained in his first report to the Commission on Human Rights 3/ had been followed up and implemented. The present report is submitted in accordance with those requests.

5. The Special Representative, in accordance with the previous practice, took the occasion of his sixth mission to Cambodia (5-16 August 1995) to visit, in addition to the capital Phnom Penh, the following provincial areas of Cambodia: (a) the Province of Kampot; (b) the Province of Kampong Cham; and (c) the Municipality of Kep.

6. As requested by the General Assembly in paragraph 20 of its resolution 199/49 and by the Commission on Human Rights in paragraph 22 of its resolution 1995/55 of 3 March 1995, he also paid particular attention to vulnerable groups,

including children, squatters and other homeless people. The programme of the sixth mission is contained in annex I to the present report.

7. The Special Representative wishes to express his appreciation to the Government of Cambodia for the access which was provided to Government officials. During his sixth mission he met with the Chairman and the First Vice-Chairman of the National Assembly, ministers, the governors of Kampot and Kampong Cham Provinces and of Kep Municipality, many national and local officials as well as representatives of non-governmental organizations (NGOs) and citizens. Once again, the Special Representative would record the great honour which he was accorded by having been received in audience on 16 August 1995 by His Majesty Preah Bat Samdech Preah Norodom Sihanouk Varman, King of Cambodia. His Majesty's constitutional position as protector of rights and freedoms and guarantor of international treaties ratified by Cambodia, as well as his many interventions in the defence of human rights, have continued to encourage and inspire the work of the Special Representative and of the office of the Centre for Human Rights.

II. SIXTH MISSION TO CAMBODIA OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL

8. The present report is based on the findings of the Special Representative on his sixth mission to Cambodia in August 1995, as well as his ongoing observations and information provided to him by the Government of Cambodia, the Centre for Human Rights and other sources.

9. In March 1995, the Government of Cambodia addressed a letter to the Secretary-General, signed by the two Prime Ministers, to explore the possibility of the Centre terminating its mandate in the country by the end of 1995 and continuing its technical cooperation activities from its headquarters in Geneva. In their letter, the Co-Prime Ministers indicated that they would continue to welcome the visit to Cambodia of the Special Representative and would continue to accord every cooperation to him and to visiting experts from the Centre. Consequentially, the Secretary-General appointed his Special Envoy, Mr. Marrack Goulding, Under-Secretary-General for Political Affairs, to visit Cambodia to discuss the suggestion. The Special Envoy's mission resulted in agreements not only on the maintenance of the office in Cambodia but also on various steps to be taken to enhance the relationship between the Government of Cambodia and the Centre (see A/50/681/Add.1, paras. 8-10). In the spirit of the agreement for enhanced consultation, the Special Representative during his sixth mission offered to call to particular notice matters included in the present report which might have required special attention and comment by the Government.

10. Unfortunately, it did not prove possible for the Co-Prime Ministers to receive the Special Representative. However, he met with several other ministers. As in the past, an advance copy of a draft of the present report was provided to the Government. The Centre for Human Rights, in pursuance of the aforesaid agreement, has drawn to notice the matters there contemplated.

III. HUMAN RIGHTS RECOMMENDATIONS

11. During the period since his last report to the General Assembly, the Special Representative has regularly submitted to the Government of Cambodia confidential letters containing recommendations on human rights issues. Unfortunately, as mentioned in that report (A/49/635, para. 46) difficulties appear to have continued within the Administration of Cambodia in the consideration of those recommendations. Although receipt of recommendations has been acknowledged in some cases, the Special Representative is unaware of the action, if any, taken upon most of them. The recommendations submitted between August 1994 and August 1995 are contained in annex II to the present report, together with a summary of any action known to have been taken by the Government. The Special Representative will continue, where appropriate, to keep those recommendations under review. He suggests that the Government of Cambodia set in place a regular procedure for the reception, consideration and follow-up of the recommendations. Consideration of them should be included in the above-mentioned enhanced consultations between the Government and the Centre for Human Rights. If possible, technical assistance should be offered to the Ministry of Foreign Affairs by the Centre for Human Rights to assist in analysing the information.

IV. ACTION TAKEN ON EARLIER REPORTS

12. The General Assembly, in paragraph 6 of its resolution 49/199, requested the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to undertake an evaluation of the extent to which the recommendations made in his reports were followed up and implemented. The Commission on Human Rights adopted a similar recommendation in its resolution 1995/55, paragraph 7. Having regard to the very many recommendations that have been made by, and the resources available to, the Special Representative and the office, it has not been possible to complete this task in time for the present report. The Special Representative has set in motion, in collaboration with the Centre, the preparation of a response to the request of the General Assembly and the Commission on Human Rights. That evaluation will have to be discussed with the Government of Cambodia in the spirit of the agreement reached between the Government of Cambodia and the Special Envoy of the Secretary-General of the United Nations. An opportunity for input and commentary will be afforded to the Government of Cambodia to ensure that all recommendations which have been acted upon or considered are so reported. Urgent recommendations concerning priority matters of human rights requiring the attention of the Government of Cambodia are set out in annex II. An examination of the responses since the last report will indicate, in general terms, the responses of the Government to the recommendations deemed by the Special Representative to have priority and urgency. The terms of annex II speak for themselves. In the next report, the Special Representative will include the first section of his response to the request of the General Assembly for an evaluation of the action on the numerous recommendations contained in his earlier substantive reports.

13. An initial assessment suggests that most of the recommendations made in earlier reports remain to be implemented. In many cases, neither the Special Representative nor the Centre for Human Rights is aware of the action, if any,

which the Government has taken. In other cases, implementation of the recommendations require resources - financial, technical and human - which are not necessarily available to the Government (health, education, improvement of physical conditions of prisons, etc.). A number of comments should be made in considering this apparently disappointing picture and in securing a proper evaluation of the impact and utility of the recommendations:

(a) Prior to the Paris Agreements, the setting-up of the United Nations Transitional Authority in Cambodia (UNTAC) and the establishment of the Kingdom of Cambodia, the administration of Cambodia was shattered and substantially dislocated by more than 20 years of revolution, war, genocide, invasion and international isolation;

(b) The Government of Cambodia faces today, as it has during the whole period of the appointment of the Special Representative, enormous difficulties in re-establishing civil government (a functioning competent administration, the rule of law, good governance and an independent judiciary and National Assembly) and rebuilding an effective public infrastructure, responding to the continuing security difficulties and to the needs to encourage economic expansion and regrowth;

(c) Some recommendations may be adopted or considered administratively following discussion between the Cambodian Government and the Special Representative, officers of the Centre, human rights NGOs and others. Other recommendations may be included in government programmes, to be pursued when funds permit. Recommendations, e.g., for the improvement of the physical conditions of prisons are generally welcomed in principle by officials who are obliged simply to await funds to achieve improvements. Several NGOs and international donors have been encouraged by the Centre for Human Rights to contribute funds towards the implementation of suggestions contained in the reports;

(d) The enhanced procedures for consultation will, it is hoped, encourage earlier and more active attention to the recommendations contained in the reports of the Special Representative and in his human rights recommendations addressed to the Government. The Special Representative and the Centre for Human Rights should also continue to contribute actively to encourage the community of donors to consider funding assistance to help the Government to implement these recommendations, as necessary;

(e) Notwithstanding the above considerations, the failure of the Government of Cambodia to acknowledge and to respond to the recommendations and the reports of the Special Representative is less than satisfactory.

14. The Special Representative considers that it is not possible, for the time being and in the light of the above, to offer a full evaluation of the Cambodian Government's follow-up and implementation of earlier recommendations. He has set in preparation a more detailed analysis and evaluation, which will be offered in later reports. The position should be kept under review.

V. UPDATE ON SELECTED HUMAN RIGHTS ISSUES

A. Right to health

15. There have been few important developments in the achievement of the right to health since the last report. A recent report of the United Nations Children's Fund (UNICEF) has confirmed that the quality of health in Cambodia has remained one of the lowest in the world. The budgetary allocation for health also remains one of the lowest in the world and the lowest in the region. A draft law on expired and ineffective pharmaceutical drugs has been prepared. It was reported to the Special Representative that new attention was being paid to programmes of birth spacing and population control. The appearance in squatter communities, visited by the Special Representative, of very large numbers of young children living in poverty, receiving little or no education, suggests the need for continued national attention to birth spacing policies. In the wake of the war and genocide, it was understandable that such programmes were not initiated earlier. However, they would now clearly be timely.

16. The national campaign against the spread of HIV/AIDS appears to have been set back, at least in Phnom Penh, by the decision of the capital Municipality to close access to the Tuol Kork dike brothel area, to harass commercial sex workers (prostitutes) and to remove public posters promoting the use of condoms. These issues were discussed by the Special Representative with the Mayor of Phnom Penh and members and officers of the City government. They were also discussed with the governors of Kampot and Kampong Cham provinces. The difficulty and sensitivity of the issues raised by the Special Representative are not underestimated. Strong public protests were said by the Mayor of Phnom Penh to have been received about the posters, originally authorized by the City government. They were allegedly described by some citizens, particularly women, as "obscene". Smaller posters are said to be in the process of being placed in brothels but not on public display. The temporary closure of the Tuol Kork road area has occasioned vehicular traffic problems and had the consequence of the opening of brothels in other areas of Phnom Penh. The Special Representative was informed that a draft law on kidnapping, trafficking and exploitation of persons was nearing completion. It seems that this will not now impose criminal sanctions on sex workers previously proposed but will provide such sanctions for brothel owners and traffickers. The Special Representative toured Phnom Penh at night with members, Khmer as well as international, working with Friends, an NGO devoted to assistance to street children. He saw and spoke to young children, some of whom had allegedly been engaging in prostitution. Clearly, there is an urgent need to establish and enforce laws for the protection of the young and to provide warnings against the dangers of HIV/AIDS and information about the means of transmission and of self-protection. The Special Representative welcomes a decision of Cambodian journalists, reported in August 1995, to improve and increase media reportage of the issues of HIV/AIDS.

17. One of the sites visited by the Special Representative was in Chamcar Bei Village, in the Kep-Bokor Special District. In that area, housing is being developed for families whose members have defected from the Khmer Rouge under an amnesty offered by the Government. A hospital and a school were under construction during the visit. Although the Special Representative was told of a number of similar improvements in the health infrastructure of Cambodia, he

received many reports of substantial monetary charges being made for health-care services by staff, even in public hospitals. Such charges impose a special burden upon poor families which have little or no capital or income.

B. Right to education

18. The national budget for education remains very low, only 1/12th of the total. Once again the Special Representative noted the positive attitude evidenced by Government officials, both in Phnom Penh and the provinces, concerning education in human rights. At the school for police cadets at Kep he gave a lecture on the subject to the new police recruits and answered their questions. At a meeting with the Co-Minister of Interior (Mr. Sar Kheng) he commended the ministry for its cooperation with efforts at human rights education of the police, with the assistance of local human rights NGOs.

19. At Chamcar Bei Village the Special Representative saw the school building under construction for use by the children of defector families. Such developments are most welcome. However, as in health care, there were reports in other areas visited that teachers, unable to survive on the extremely low salaries paid by the State (reportedly approximately $US 20 per month), are obliged to supplement their incomes by charging for what in wealthier societies would be regarded as basic education. The imposition of such charges especially disadvantages the children of poor families.

20. In squatter communities visited in Phnom Penh, NGOs have arranged some basic education for children of the communities. However, in the case of most children in illegal squatter communities, access to education is extremely restricted.

21. The Special Representative is pleased to record the excellent cooperation received by the Cambodia office of the Centre for Human Rights, from the ministries of Defence, Interior and Justice. The Ministry of Defence organized workshops in the provinces for the Centre's Military Assistance Programme (see A/50/681/Add.1, para. 67). The Ministry of Interior is working with a number of Cambodian NGOs which are conducting police training (ibid., para. 98). The Ministry of Justice has arranged for the Centre to conduct, in September and October 1995, human rights training for new judges (ibid., para. 65). While in Kampong Cham, the Special Representative presented to members of the judiciary copies, prepared by the Centre for Human Rights, of the laws of Cambodia enacted by the National Assembly and of the human rights covenants to which Cambodia is a party, all of them in the Khmer language. The office has also provided human rights training for the staff of the new Youth Rehabilitation Centre for Juvenile Offenders. The Special Representative welcomes the reports of the high level of cooperation received from the Director of the Youth Rehabilitation Centre, who is the special representative of the Co-Prime Ministers.

C. Right to work

22. The Special Representative again commends the work of NGOs, international aid organizations and United Nations agencies in stimulating work promotion

programmes throughout Cambodia. He saw the work of the International Labour Organization illustrated in the establishment of the village for defector families at Chamcar Bei. He received comprehensive reports on the provision of rice in various parts of the country by the World Food Programme (WFP) in its Food For Work Programme. In particular, the Special Representative wishes to commend the work of the NGO United Cambodian Communities (UCC) in Kampot Province which has successfully promoted numerous community-based training and income-generating projects for especially vulnerable groups, such as women, war invalids and the handicapped.

23. It is appropriate to record that over the period of the Special Representative's appointment, there has been a noticeable improvement in the economic life of Cambodia, in Phnom Penh and in some of the provincial cities visited. In some rural areas of the country the economic improvements, visible in the cities and towns, is not apparent. The Special Representative considers that improved economic conditions, especially if extended to rural districts, will reduce the risks and dislocation of security challenges and contribute beneficially to the growth of civil society. This can only enhance respect for basic human rights. The Special Representative is appreciative of the need for effective political government in Cambodia in ensuring the continuance of the economic achievements that have been made to date. Those achievements promise improved investment, job opportunities and work for the people.

D. Right to housing

24. The Special Representative inspected squatter communities and their housing in Phnom Penh, both in the centre of the city and in its outer suburbs. He received detailed briefings on the forced evictions carried out by police and the armed forces. Because of the dislocation caused by Cambodia's recent history - and in particular the forced clearance of cities and towns, the death of many landholders, the demobilization of the armed forces and the defects and uncertainties of the land law - thousands of Cambodians have been forced to seek shelter in squatter communities. Most of these involve housing which is primitive and makeshift, providing no access to water and sewerage facilities, regular garbage disposal, education and other public services. Some involve semi-permanent structures but without assurance of continued right of occupation. According to information received by the Special Representative, many of the squatters have been resident in their settlements continuously for more than five years, which entitles them to legal ownership of the land under the State of Cambodia (SOC) land law. Others moved into already established squatters' areas or formed new ones during the transitional period or after the elections. Some claim to have been denied housing because they are not associated with successful political parties or because they were orphans, refugees or other disadvantaged people who returned to the city or town too late, or were too powerless, to secure access to free housing in premises abandoned by their former owners. Several typical cases recounted to the Special Representative were:

(a) That of a soldier who stated that he had returned to his village to find that his farm had been divided in his absence, forcing him to go back to Phnom Penh and to live in a squatter community;

(b) That of a soldier in a former opposition army who had been reintegrated into society but had not been provided with adequate land or housing;

(c) That of a head of family who had left his village in 1979 and could not make a living upon his return, as all of his relatives had been killed in the previous two decades.

25. The information received by the Special Representative from members of the squatter communities included:

(a) Absence of an overall governmental policy to deal with the problems of housing for displaced squatters;

(b) Lack of court authorization and supervision of forcible evictions from land, often performed with little advanced legal notice by the authorities;

(c) Threat and use of violence and loss of personal property in the course of forced evictions;

(d) Absence of compensation and failure to provide suitable alternative land for squatters displaced by evictions;

(e) Lack of water, sewerage and other public facilities to squatter communities;

(f) Lack of support by the NGO community for squatters. The Urban Sector Group (USG) is one of the few NGOs paying specific attention to the needs of the squatters.

26. Many squatters and squatter representatives whom the Special Representative met during his mission acknowledged the inevitability of the removal of squatter communities from places close to business or tourist centres. However, their complaints concerned the lack of recognition of their rights, including those to advanced notice and compensation, and the manner in which current eviction policies were being effected.

27. The Special Representative brought the concerns of the squatters to the notice of representatives of the Government. In particular, he had a very constructive meeting with the Mayor of Phnom Penh (Mr. Chhim Siek Leng) and the Deputy Mayor of the City (Mr. He Kann). They stated that many squatters had other places to stay and that they should be returned to the provinces to assist in the harvesting of rice on their farms. Some funding to return those removed from squatter settlements was provided. However, it was acknowledged that many of those forcibly sent to the provinces quickly found their way back to the capital city.

28. The Special Representative also examined the special problems of street people and street children. A national policy to clear such persons on a voluntary basis from the streets, parks and other public places through an Inter-Ministerial Commission appears to have been supplemented by a so-called "immediate plan" aimed at a more rapid expulsion of such people from Phnom Penh

by the capital's administration. The given reasons for this "plan", which has been effectively implemented, were the needs to:

(a) Reduce petty crime and disorder associated with such persons;

(b) Remove the affront to the "honour" and to the improving appearance of the City as a business and tourist attraction;

(c) Act during the rainy season when street people have little or no shelter against heavy rain and become prone to illness.

The Special Representative received vivid descriptions of the round-up of street people. In his own observation, there were many fewer such people visible in Phnom Penh, including fewer street children, in August 1995 than during previous missions.

29. The Special Representative acknowledges the acute difficulties faced by the Mayor and officers of the Municipality of Phnom Penh in dealing with squatters and street people. It is important, however, to keep in mind the requirements of article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to which Cambodia has acceded; article 25, paragraph 1, of the Universal Declaration of Human Rights; and resolution 1993/77 of the Commission on Human Rights, on "forced evictions", which have been brought to the notice of the Mayor of Phnom Penh by the Centre for Human Rights in the past. Furthermore, in respect of the rights of children in vulnerable groups, article 27 of the Convention on the Rights of the Child, to which Cambodia has acceded, is relevant, as is article 44 of the Cambodian Constitution. The latter protects private property. It requires fair and just compensation in advance of any confiscation. Article 74 of the Land Law of the former State of Cambodia, not repealed or amended, grants legal ownership to land to persons who have temporarily and peacefully possessed the land for five consecutive years or more. Many squatters seen by the Special Representative appear to fall within the terms of this law but have not been given its protection.

E. Right to a healthy environment and to sustainable development

30. The Special Representative continues to receive reports of the large-scale export of timber from Cambodia despite the prohibition on unlicensed logging imposed by the Government of Cambodia as from 1 January 1995. A substantial export trade reportedly continues, including from areas still controlled by the Khmer Rouge in western Cambodia. This trade undermines the Government's commitment to control logging and to confine it to cases of responsible reforestation. It helps fund the continued armed anti-Government activities of the Khmer Rouge. It also has serious effects on the environment, with grave consequences for the rice harvest, soil erosion, survival of fauna and flora and the economic life of most of the population in Cambodia.

31. The foregoing concerns have attracted the attention of international observers, such as the Chairman of the United States Senate Subcommittee on East Asian and Pacific Affairs (Sen. C. Thomas) (United States Senate, 21 July 1995) and NGOs, such as Global Witness (see "Thai-Khmer Rouge links and the illegal

trade in Cambodia's timber", July 1995). In a statement on 3 August 1995, the First Prime Minister of Cambodia (H.R.H. Prince Norodom Ranariddh) expressed the Government's concern about the state of the environment and deforestation in Cambodia. He stated that firm policies had been adopted to deal with illegal felling of trees, their export and sale. He stated that a logging contract, awarded to the Samling Corporation, would provide 40,000 jobs and provide timber only for use within Cambodia in strict compliance with reforestation and protection of the environment. This issue will continue to receive the close attention of the Special Representative. Some of its implications, which are relevant to the mandate of the Special Representative, have been raised with a neighbouring country for comment.

F. New laws and practices

32. The Special Representative notes that an Immigration Law (but not a law on nationality or refugees) has been enacted. Defects in the Immigration Law, noted in earlier reports, remain. The current implementation practices also give rise to concern. The Special Representative also notes that the Press Law has been enacted. Some of the defects, noted in earlier reports, remain. Anticipated subordinate legislation, to define terms in that law, has not yet been enacted (see sect. G below). One law, the Law Regulating the Civil Servants, passed in October 1994, contains an article 51 that provides a measure of immunity from prosecution to all civil servants in certain cases. The law needs to be revised (see chaps. V and VI below).

33. Another important law enacted by the National Assembly since the last report is the Law on the Bar Association. As originally proposed, the law would have inhibited or curtailed the work of the human rights Defenders who have been trained to represent accused persons in Cambodian courts. Such Defenders frequently appear in cases involving human rights concerns and usually without fee. Such Defenders have performed very important work. The proposal to withdraw their rights of audience in criminal proceedings in Cambodian courts was opposed by many persons and bodies. It was the subject of a human rights recommendation by the Special Representative to the Government (see annex II, HR REC 5/95). Eventually, as a result of amendments adopted by the National Assembly, the law permitted Defenders to continue to practise in such cases until the end of 1997. It is expected that by that time the first law graduates will be ready for practice. The need for more public Defenders is unlikely to abate. The law will need to be reconsidered as the current extended deadline approaches. It is the view of the Special Representative, and of the Cambodian judges with whom he discussed the work of defenders during his sixth mission, that the assistance of an experienced defender is often essential for the proper performance of the judicial function in serious criminal trials.

34. Pending draft laws of relevance to human rights include those on anti-corruption, labour, kidnapping, trafficking and exploitation of persons, associations, control of pharmacies, anti-personnel land-mines and nationality.

G. Independence of the judiciary and the rule of law

35. Most of those problems relevant to the independence of the Judiciary which were recorded in earlier reports of the Special Representative, remain to be resolved. A fundamental problem is the provision of a judicial salary of 50,000 riels per month (about US$ 20). As previously reported, this is totally inadequate to secure both the reality and the appearance of the independence of the judiciary in Cambodia. It is clear that judges' legal skills have greatly improved in the past two years. However, the opportunities available to medical practitioners and teachers to supplement their income by fees or other means should not be available to judges. Cambodia's judges sometimes deal with cases involving extremely valuable property. Thus, in a case before the Cambodian courts when the Special Representative was in Cambodia, accused were brought before the Court charged with importing heroin alleged to be worth millions of dollars in street value. The reality and appearance of independence and integrity require that judges be put beyond the temptations of corruption. This is next to impossible if they are in any way dependent for their income upon those who are brought before them.

36. The Special Representative discussed the foregoing problem very candidly with judges. They pointed to the monthly salary voted by members of the National Assembly to MPs amounting to the equivalent of about US$ 1,800 per month. The judges suggested that a monthly salary of an amount equal to about $400 per month would be appropriate for judges and prosecutors. According to the Ministry of Justice there are currently 135 magistrates in Cambodia. Another 42 judges are undergoing training. Under the Constitution and law of Cambodia, judges are not civil servants. However, many complaints and suggestions critical of alleged judicial partiality, and even corruption, have been received by the Special Representative. While many of them are doubtless baseless, until the levels of the salaries of judges are significantly increased, the allegations will continue to be made and accepted by the public. It is essential to an independent judiciary that it be manifestly beyond the actuality or appearance of temptation to corruption. Judicial corruption strikes at the foundation of the rule of law.

37. One matter pertinent to the observance of the rule of law which was the subject of representations by and to the Special Representative during his sixth mission concerned the expulsion of a member of the National Assembly. When the member proceeded to the Municipal Court to challenge his removal from his party, prior to his expulsion from the Assembly, it ruled that it did not have the jurisdiction to entertain the challenge (see also para. 49 (a) below). Because the Constitutional Council envisaged by the Constitution of Cambodia has yet to be established, there was no judicial body in Cambodia with the jurisdiction to rule authoritatively upon the constitutionality of the expulsion.

38. The difficulties of rendering powerful persons answerable to the rule of law continues in the ways mentioned in previous reports. However, there are new cases and problems. These include the following:

(a) Very frequent reluctance by the police to arrest, and by the courts to charge, persons holding military office even for serious and obvious criminal offences and even when caught in the commission of the act. A notorious case of

this kind was that involving Lt. Col. Sath Soeun. In May 1995, he was acquitted by the Kampong Cham Court of a charge of murdering a journalist in respect of which there was strong circumstantial, but no direct, evidence. On 25 July 1995, in the presence of several police and Gendarmerie officers, he allegedly outrightly killed a 16-year-old youth named Pao, who was suspected of burglary in a house in Kampong Cham. Having allegedly cornered the youth in the house, it is claimed that Lt. Col. Sath Soeun deliberately opened fire at very close range on the youth with the intention of killing him. As the youth was still alive, Lt. Col. Sath Soeun is said to have returned to the boy and finished him off with three more bullets, two of which hit him in the back of the neck. Instead of arresting Lt. Col. Sath Soeun for this obvious homicide, the police allowed him to depart. When an arrest warrant was issued by the Kampong Cham Court, the accused decamped. He was reported to have fled to another province. He was still at large when the Special Representative discussed the case with officials in Kampong Cham and with the Co-Minister of Interior;

(b) The difficulty of securing the extradition or return of accused persons from other provinces to the province of the court of trial has been reported to the Special Representative by many judges and prosecutors. In default of proper budgetary provisions to secure the execution of a warrant of arrest in another province, the court or prosecutor is often obliged to rely on the provision of funds by the family of the victim or complainant;

(c) There appears to be no effective remedy to oblige a person to give evidence as witness before the court and, under penalty of default, to return to the court of trial to give evidence in a trial;

(d) In October 1994, the National Assembly enacted the Law Regulating Civil Servants. Article 51 of that Law provides a wide measure of effective immunity to all civil servants. In the cases specified, unless the Council of Ministers or the ministers consent, a civil servant may not be proceeded against except in case of an offence where he or she has been apprehended in the course of committing the offence or immediately thereafter. This law, which may have been designed to reduce inconvenience imposed on the hard-pressed Cambodian administration, or to prevent the abuse of process against high officials, has, as the Special Representative was informed in many instances, led to an effective immunity from prosecution of persons whose designated superior fails or refuses to respond to the relevant court's request for the issuance and execution of a warrant. There is also uncertainty as to whether the definition of "civil servant" in the law includes military officers. However, the Special Representative was informed that in some Cambodian courts accused military were taken as being within the requirement of the law. Interpretation of this law varies considerably. The Ministry of Justice has attempted to alleviate the problem by enacting subordinate legislation. However, the Special Representative was informed, in at least one court, that the judges (properly in his view) did not consider that the Minister's instruction could lawfully override the law made by the National Assembly and expressed in apparently clear terms. It is unfortunate that those terms are so discriminatory. They have the effect of relieving persons in authority of the operation of equality before the law. This problem was drawn to the attention of the Minister of Interior and the Minister of Justice.

H. Prisons and other custodial institutions

39. During his sixth mission the Special Representative visited prisons in Kampot and in Kampong Cham. Each was in a very poor state of repair. Each requires the investment of considerable funds to improve the basic buildings and facilities for prisoners and officials alike.

40. The prison of Kampot comprises a number of dilapidated buildings in a poor state of repair. Some cells were disused because of leaking roofs and collapse of concrete benches. In a break-out in May 1994, two prisoners were killed by a prison guard. Allegedly the two, who had raised their hands in surrender, were shot at very close range and killed by the guard, who was under no threat. No sanction, administrative or judicial, was taken against the guard, who is still in service in the prison. The case was brought before the court, which ruled that there was not enough evidence to prosecute the guard. The discipline of the prison became extremely strict following another prison break-out, in June 1995, of 13 prisoners, only 2 of whom had been recaptured. Prisoners in Kampot, to whom the Special Representative was afforded private access upon an undertaking of non-retaliation, complained about collective discipline which, they said, had been instituted since the dismissal of the prison commander after the escapes. Matters brought to the particular attention of the Special Representative included:

(a) The use of one dark cell (and the existence of several others) with only a small shaft of light, for specific discipline and, allegedly, on first arrival in the prison as a warning and inducement to good discipline;

(b) The use of iron leg shackles, which were seen in the dark cell in use and are apparently in regular use;

(c) The shortage of time allowed to prisoners to be outside their cells;

(d) The lack of educational facilities, newspapers and other reading matter and sporting facilities;

(e) The difficulties in securing contact with human rights NGOs and defenders unless initiatives are taken by relatives or friends outside the prison;

(f) Uncertainty about the date of trial.

After discussion with the Special Representative, the prison commander undertook to endeavour to ameliorate the above strict regime.

41. The prison at Kampong Cham was even more unsatisfactory. It was formerly a school building and its security arrangements and facilities are also completely unsatisfactory. Fear of the escape of prisoners had caused the Prison Commander to require that the prisoners be locked in their cells for extended periods of time (allegedly 23 hours a day). Although the cells are large and the conditions not as cramped as at Kampot, the dark, damp conditions observed by the Special Representative were extremely unhealthy. Toilet facilities were primitive. Prisoners, whom the Special Representative was permitted to

interview in private, complained of the length of their confinement to cells, the lack of time for sport and exercise, the lack of facilities for medical treatment (two young prisoners complained of untreated syphilis) and virtually complete lack of diversion. As a result of the intervention of the provincial office of the Centre for Human Rights, arrangements had been made with WFP for a supplement of good-quality rice. However, this temporary facility will shortly expire. The earlier dietary provision was reported to be unsatisfactory. The condition of the female prisoners was marginally better. As a result of the intervention of the Centre's provincial office, the female prisoners had been trained in machine sewing. They showed the Special Representative samples of clothing they had made. The condition of facilities for the guards was also poor. The District Police Commander and the Prison Commander appealed for a supply of medicines for use by the prison nurse and for help in the provision of a generator for electricity for the prison and well digging equipment for access to water which, in the dry season, must often be purchased from water vendors.

42. The Special Representative takes note of the ongoing preparation of prison regulations by the Ministry of Interior and the assistance provided by the Centre for Human Rights. An Australian Aid Agency (AUSAID) mission has also visited Cambodia to assess the needs in the area of prison reform, among others. This is particularly important owing to the rapid rise in the number of inmates in Cambodian prisons, particularly since the beginning of 1995. According to the Prisons Department, the total number of inmates at the time of the visit was around 2,500. A number of prisons, including Prey Sar in Phnom Penh, Kampong Speu and Kampong Chhnang, suffered severe water shortage during the dry season.

43. A major prison escape occurred in Siem Reap in May 1995. Approximately 51 prisoners escaped, 28 were recaptured and 2 died as a result of bullet injuries during apprehension. A number of recaptured inmates were allegedly tortured after recapture. An internal investigation conducted by the Ministry of Interior reportedly concluded that the escape was made possible through negligence on the part of the prison officers. No conclusion however was reportedly reached on the allegations of torture which were brought to the attention of the investigation team. The results of the investigation have not been made public.

I. Freedom of expression and the Press Law

44. The Special Representative welcomes the continued activity of many media outlets in Cambodia. There are over 50 electronic and print media outlets in regular operation. He also welcomes the continued good work of the Cambodia Communication Institute, a project of the United Nations Educational, Scientific and Cultural Organization (UNESCO) funded through the International Programme for the Development of Communication. It has organized conferences and seminars and published important documents in the Khmer language for use by and in the press, including a copy of the Alma Ata Declaration on Promoting an Independent and Pluralistic Asian Media. An Asia-Pacific Regional Conference organized under the auspices of the International Federation of Journalists and hosted by the Khmer Journalists' Association, was held at Phnom Penh from 24 to 28 July 1995. It was addressed by several Cambodian leaders and attended by many journalists. Its closing consensus statement emphasized that media

scrutiny of the exercise of political power was essential in a democratic society; that all media laws should conform to international and constitutional standards; and that journalists themselves have a duty to work to the highest professional standards. The latter was a point made earlier by the Special Representative at a joint UNESCO-Centre for Human Rights Round Table on Journalistic Ethics and Defamation, held at Phnom Penh on 27 January 1995.

45. The Press Law, which has been the subject of several written representations and recommendations to the Government as well as previous reports by the Special Representative, was adopted by the National Assembly on 18 July 1995. The final text of the Law contained a number of improvements upon earlier drafts, which are welcomed by the Special Representative (see also A/50/69/Add.1, paras. 33-35). However, there remain provisions in the law which give rise to serious concern. These have been shared in writing and orally with the Government of Cambodia by the Special Representative (ibid., para. 34) (see also sect. VI, H below and annex II, HR REC 24/94 and 7/95):

(a) It is still unclear whether the law, which contains a provision purporting to repeal earlier laws relating to the press, excludes the operation of the provisions of the Penal Law which allow for imprisonment of journalists, among others, for defamation, disinformation and incitement;

(b) The definition of "national security" was removed, leaving offences by the media in this regard undefined and potentially unclear;

(c) Similarly, the provision for offences in relation to "political stability" was undefined, the phrase not being a legal term;

(d) The power given to the Ministries of Information and Interior to confiscate newspapers and for the Ministry of Information to suspend press organs without authority of a court order is clearly undesirable;

(e) The provision for prohibiting "humiliation of national institutions" is contrary to the Constitution and established international human rights norms, which protect individuals and people and not institutions.

46. During 1995, as at the time of writing, no journalist has been imprisoned or killed in Cambodia for reasons related to the exercise of freedom of expression. However, no one has been punished for the murder of two journalists in September and December 1994. In the case of the murder of Noun Chan, editor of the newspaper Samleng Youvechun Khmer (Voice of the Khmer Youth), two suspects were arrested by the Phnom Penh Judiciary Police. However, contrary to law, they were detained incommunicado for over 40 days, thereby exceeding the legal delay of 48 hours, without being brought before a judge, and while under such detention they were allegedly forced to confess their guilt. They were eventually brought to the Prosecutor's office. The Court ordered their release as it could find no evidence against them. No action, administrative or judicial, was taken against the police officers responsible for their illegal detention, ill-treatment and forced confessions. No one else has to date been brought to justice for the murder of Noun Chan. In the case of the murder of Koh Sontapheap (Island of Peace) newspaper journalist Sao Chan Dara, a suspect, army Lt. Col. Sath Soeun, was tried and found innocent by the Kampong Cham court.

47. Cases of restrictions of freedom of expression continue to come to the attention of the Special Representative and appear to involve departures from the norms contained in the provision of the Constitution of Cambodia and in article 19 of the International Covenant on Civil and Political Rights, which Cambodia has ratified. These include the following:

(a) The suspension of publication by administrative order, on 15 February 1995, without court order, of the newspaper Odom Kete Khmer (Khmer Ideal) "until the new Press Law is adopted". This purported order appears to have violated the then existing law limiting any such suspensions to a period of 30 days. It was the subject of a representation to the Government by the Special Representative;

(b) The conviction and the sentence to a large fine of the editor of the newspaper Samrek Reask Khmer (Cry of Khmer People) on 21 February 1995, for publishing two articles expressing strong political opinions, although with the use of insulting words;

(c) The conviction and sentence to one year's imprisonment and a large fine on 27 February 1995 of Mr. Chan Rattana, the editor of Voice of Khmer Youth, for the expression of opinion, although with the use of insulting words. The journalist has appealed against his sentence, which has been suspended pending the determination of an appeal;

(d) The conviction and sentence to a large fine of the editor of the newspaper Khmer Ideal on 19 May 1995, for publishing an article expressing political opinions. Non-payment of the fine would result in a two-year sentence. The newspaper was also shut down. The sentence has been suspended pending appeal;

(e) The conviction and sentence to one year's imprisonment and a large fine of the editor of the newspaper Sereipheap Thmei (New Liberty News) on 20 May 1995, for publishing an article expressing strong political opinions. Non-payment of the fine would add another year to the sentence. The newspaper was also shut down. The sentence has been suspended pending appeal;

(f) On 22 June 1995, a member of the National Assembly of Cambodia and former Minister, Mr. Sam Rainsy, having been expelled by the political party in whose interest he had been elected to the National Assembly, was removed from the Assembly. He claimed that the expulsion had arisen out of his expression of opinion both within and outside the National Assembly. This case is dealt with below (see para. 49 (a)). In his statement on 3 August 1995, the First Prime Minister explained the expulsion as being the result of the member's failure to "toe the ... Party line" and to resolve any issues within the party apparatus and not to fight it in public, giving unwarranted advantages to undesirable elements. It is not unusual in democracies for members of political parties to sacrifice certain rights to uninhibited expression for the sake of party unity. This can be inferred from party membership. What was unusual in this case was the expulsion of the member from the National Assembly and the failure of the Assembly to afford the member the right to be heard in his own defence before this serious step was taken;

(g) The arrest on 5 August 1995 in Phnom Penh of six men for flying balloons and distributing pamphlets in a public place concerning political affairs. The men were detained without charges at the Municipality Police Commissariat until 11 August 1995, when they were transferred to prison. They were not brought before a judge until 16 August 1995. The pamphlets concerned were read, in English-language translation, by the Special Representative. They contain no apparently inflammatory language nor were they an apparent incitement to unrest. In the opinion of the Special Representative, they are merely the peaceful expression of political opinions. In addition, the failure to bring the accused within 48 hours before a judge upon charges filed by a prosecutor appears to have been in breach of Cambodian law, as well as of article 9 of the International Covenant on Civil and Political Rights. 4/ On 16 August, the six were detained by a judicial order for four months under article 60 of the UNTAC provisions relating to the Judiciary and Criminal Law and Procedures applicable in Cambodia for incitement. The Special Representative, while on his sixth mission, made representations both orally and in writing regarding the rights of the accused (see annex II, HR REC 9/95).

J. Right to be elected and to take part in Government

48. In his last report (A/49/635), the Special Representative expressed concern at the widely reported threats to members of the National Assembly who had expressed, both within and outside the Assembly, opinions differing from those of the Government. The existence of such threats was disputed by the Government of Cambodia. The Special Representative must now report on further developments relevant to the right to be elected and to take part in government.

49. The Special Representative wishes to stress, as he did at all official meetings at which this issue was discussed, that it is neither his intention nor his responsibility to become involved in Cambodian political affairs. In accordance with his mandate, the Special Representative is concerned with this matter only in so far as it may imply deviations from internationally recognized human rights norms. The new developments are as follows:

(a) On 22 June 1995, the National Assembly, without permitting debate, expelled a member originally elected as a member of the Constituent Assembly from Siem Reap. The member, Mr. Sam Rainsy, had earlier been expelled from the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) party, the largest political party represented in the National Assembly and the party of the First Prime Minister. The right of a political party to expel a member from it is not doubted. The issue presented by the case is the legality of the action taken by the National Assembly and its implications for the protection of human rights in Cambodia. The existence of a strong, independent and National Assembly which respects the law is self-evidently essential to the effective protection of human rights in Cambodia. The Constitution of Cambodia, in its article 95 provides for only three cases of removal of an elected member, viz., death, resignation and departure (i.e., from the National Assembly). There is no fourth case, i.e., of loss of party membership. This constitutional scheme has been confirmed and repeated by the use of similar language in the UNTAC Electoral Law, article 78 (2), and the internal rules of the National Assembly itself, principle 83. For such a

serious step as expulsion of a member, in such circumstances, it would have been expected that an express ground would have been provided, if such had been intended. The Special Representative drew this advice to the attention of the Government and the National Assembly in May 1995. He repeated it in oral explanations at a lengthy session at the National Assembly on 11 August 1995 at which he was privileged to meet the First Vice-Chairman of the National Assembly, Mr. Loy Sim Chheang, and the chairmen and other members of the Commissions of the National Assembly. On 26 July 1995, the Special Representative was also obliged to bring to the notice of the Government of Cambodia allegations of unlawful arrest, detention and ill-treatment performed by persons, apparently in military uniform, on the house guards of the expelled member, which took place in Phnom Penh on 13 July 1995. So far, no redress has been provided for these complaints of assaults and arrests;

(b) Following the above expulsion, a factional dispute broke out in the Buddhist Liberal Democratic Party (BLDP), the smallest of the three parties in the coalition Government. After a threat to expel a member of one faction from the party (with the danger, upon the above precedent, of loss of his seat in the Assembly), moves were taken to expel from BLDP six members of another faction who are members of the National Assembly. Concern about this possibility and its implications for the continued effectiveness of the National Assembly were expressed by the Special Representative to members of both factions of BLDP and to the National Assembly members present at the meeting on 11 August 1995, as described above. This concern was further expressed to His Majesty King Sihanouk and to the Chairman of the National Assembly, Mr. Chea Sim, on 16 August 1995. During the Special Representative's sixth mission to Cambodia, and while these developments were occurring, one member of BLDP died in the National Assembly building, reportedly by suicide. One of the notes allegedly left by him referred to his distress about party disunity. It also referred to the Special Representative's publicly revealed concerns, i.e., about the expulsion of members from the National Assembly.

50. There was an earlier case involving an elected member of the National Assembly, but he never took office or was sworn in as a member, so that case was not a true case of expulsion of a sitting member. Although it is also true, as claimed, that the issue is one of internal politics of Cambodia, it is also one raising the fidelity of Cambodia to its own Constitution and laws protective of human rights and to the international human rights treaties which Cambodia has subscribed, as well as to the Paris Agreements. 5/

51. Annex 5 of the Paris Agreements includes a commitment of Cambodia "to follow a system of liberal democracy on the basis of pluralism". This is enshrined in the Constitution of Cambodia, article 50. Such a commitment was repeated in June 1995, before the vote to exclude Mr. Sam Rainsy, by the President of the National Assembly, Mr. Chea Sim. Other societies have successfully organized their political life on different bases. However, the Constitution and laws of Cambodia reflect faithfully the above commitment contained in the Paris Agreements. Because the Constitutional Council has not been established, any member purportedly expelled from the National Assembly upon loss of party membership, could not seek an authoritative ruling on the constitutionality of such a move. The Phnom Penh Municipal Court dismissed as beyond its jurisdiction the legal challenge to the expulsion from the party by

the expelled member. During his mission to Cambodia the Special Representative continued to press, as he has in the past, for the earliest possible establishment of the Constitutional Council.

52. The Special Representative's concerns about the expulsion and threatened expulsions of members of the National Assembly of Cambodia are entirely unconnected with the personalities of the particular members of the National Assembly involved or their respective political policies. The concerns of the Special Representative relate to the precedent which has been set; the fear that it will effectively transfer political power from the people at public elections to private meetings of political parties; the danger that fear of expulsion by the party will discourage dissent or serious debate on important issues in the Assembly (including those relating to human rights); and the condonation by the legislature of Cambodia of an apparently serious departure from constitutional legality, essential to the rule of law.

K. Vulnerable groups, including women, children and minorities

53. The Special Representative welcomes the continued discussion between the Governments of Cambodia and Viet Nam of the bilateral issues affecting both countries, including the issue of the rights of the minority ethnic Vietnamese population in Cambodia. He is still awaiting the enactment of a nationality law and subordinate legislation for refugees, which would be in conformity with the Constitution and relevant United Nations conventions to which Cambodia is a party. Shortly before the arrival of the Special Representative in Cambodia for his sixth mission, it was announced that 13 families of the approximately 90 ethnic Vietnamese boat people at Chrey Thom had been allowed to return to their homes in Cambodia upon establishing, through their family papers, a substantial period of residence in Cambodia. The Special Representative, who has made several representations about the issue and visited the floating encampment of Chrey Thom twice during earlier visits, welcomes this development. The majority of the people at Chrey Thom, estimated at 2,500, still await relief from their predicament. The Special Representative continues to monitor developments closely in this sensitive area.

54. In his meeting with the Co-Minister of Interior, Mr. Sar Kheng, the Special Representative raised concerns about certain directives which have delegated power to provincial and municipal authorities to register, detain and expel "illegal aliens" without taking into account procedures and safeguards as stipulated in the Immigration Law. The lack of a nationality law renders it impossible to determine legally who is an illegal alien. The Special Representative has been promised by Mr. Sar Kheng that these directives would not be implemented, which would result in the mass detention and collective expulsion of "illegal aliens", which, in turn, would be contrary to the International Covenant on Civil and Political Rights.

55. During the sixth mission, the Special Representative concentrated his attention upon the rights and needs of children. According to UNICEF, of the Cambodian population of approximately 9.7 million, 4.5 million are under 16 years of age. Approximately 1.5 million are under the age of 5. The Special Representative pays tribute to the Ministry of Social Affairs, Labour and

Veterans Affairs, Cambodian NGOs, UNICEF and other international and local agencies and NGOs for their work for the improvement and defence of the rights of Cambodia's children. According to UNICEF figures, Cambodia's infant mortality rate is the highest in South-east Asia. Article 48 of the Constitution provides that the State shall protect the rights of children as stipulated in the Convention on the Rights of the Child. Cambodia ratified that Convention on 15 October 1992. Translating these aspirations into practice is the challenge before Cambodia.

56. The Special Representative visited orphanages in Kampot and Phnom Penh. He met Government ministers and officials, representatives of NGOs and others concerned in children's projects. He met street children and had many opportunities to speak to Cambodian children as well as those concerned about their welfare.

57. The chief concerns which engaged the attention of the Special Representative with regard to vulnerable groups during the sixth mission were:

(a) Orphans. There are 29 Government orphanages in Cambodia and numerous private institutions operating under Government supervision. Problems arise when occupants in the orphanages reach 18 years of age. Funds are not available for the separate care of adults. The Ministry of Social Affairs, Labour and Veterans Affairs is currently planning to draft an adoption law in consultation with the Centre for Human Rights. At present, adoption, including adoption by foreigners, is arranged administratively, without the detailed requirements which typify the procedure in other countries;

(b) Education. Although the Constitution in its article 68 commits Cambodia to free primary and secondary education for all children, the education budget is low (see para. 18 above). Educational attendance in provincial districts is much lower than in urban areas. There continue to be high drop-out rates. There is a clear need for attention to the special education needs of females, handicapped children and children from minority ethnic communities. Many commentators stressed the need to improve the salaries of teachers;

(c) Sexual exploitation and trafficking. This topic has been referred to in earlier reports of the Special Representative. Although in 1990 the number of commercial sex workers in Phnom Penh was estimated at 1,500, the number increased rapidly during the UNTAC-supervised transitional period, which allowed an opening of the country after almost a decade and a half of international isolation. The Cambodian Women's Development Association now estimates that that number has increased to 17,000, of whom about 35 per cent are girls aged between 12 and 17. There is no legally specified age of consent for sexual intercourse provided by criminal law; however, it is generally taken to be 18 years. The Special Representative received reports of kidnapping and trafficking in virgin children and of girls of 12 years and younger being sold into prostitution by poor families in provincial districts. The spread of HIV/AIDS renders these developments especially worrying;

(d) Juvenile justice. The Special Representative welcomes the Government's acknowledgement of the need for a special policy on juvenile justice and the establishment of a Youth Rehabilitation Centre to avoid the

commitment of young offenders to Cambodia's unsatisfactory prisons. In Kampong Cham prison the Special Representative spoke to a prisoner who gave his age as 15 but who prison officers said was 17 years old and who complained of untreated syphilis. The Youth Rehabilitation Centre requires the development of guidelines for its operation to be worked out in consultation with the Centre for Human Rights and relevant NGOs. Complaints were received by the Special Representative about the lack of specialized juvenile judges, the frequent lack of legal representation for juveniles and the need for research on the causes of juvenile crime and the best ways of addressing those causes in the light of experience, particularly in the operation of the Youth Rehabilitation Centre.

L. Reporting obligations under international covenants

58. The Special Representative welcomes the cooperation of the Government with the relevant NGO communities in the drafting of Cambodia's report on the Convention of the Rights of the Child. The same cooperation is encouraged in the case of the proposed reports on the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. However, these reports are all overdue (see A/50/681/Add.1, paras. 81-85 and annex III, A). During his sixth mission the Special Representative conveyed to the Minister of Justice, as Chairman of the Inter-Ministerial Committee, the importance which he attached to the early submission of Cambodia's reports and to continued close consultation with interested bodies in their finalization. He extended his offer of technical assistance by the Cambodian office to the Council of Ministers in the finalization of these reports.

M. Security issues

59. During his visit, the Special Representative received information concerning the continuing laying of fresh anti-personnel land-mines by the Khmer Rouge in Siem Reap Province. Mines are used as a tactic to disrupt communication lines and to deny ground to government forces. They are not laid in fields or in any pattern which make them extremely difficult to clear, and they target civilians as well as the military. The Special Representative welcomes reports that in Siem Reap government forces appear to be adhering to the official policy of not laying new mines, even to protect positions at night.

60. The Special Representative welcomes the continued attention to the problem of land mines in Cambodia. The Minister of Information, Mr. Ieng Mouly, who is also the Chairman of the Cambodia Mine Action Centre, informed the Special Representative about proposed initiatives to increase the Government's response to the land-mine problem. The United Nations Development Programme (UNDP) has offered increased assistance to the Government beginning in 1996. Discussion is progressing within the Government concerning the development of a law on land-mines that will ban their import, use, production and stockpiling in Cambodia (see A/50/681/Add.1, para. 52). The Minister promised to consider, within available funds, measures for the compensation of victims. At the International Conference to Ban Land-mines held at Phnom Penh from 2 to 4 June 1995, the Secretary-General's representative in Cambodia, Mr. Benny Widyono, read the

Secretary-General's speech, entitled "The socio-economic impact of land-mines: towards an international ban". The Special Representative profoundly hopes that the Review Conference of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects of 1990 (Protocol II of which deals with land-mines) will achieve real progress towards the goal advocated by the Secretary-General.

61. The Special Representative notes with concern a death threat received by the representative of the Secretary-General in Cambodia on 2 June 1995. The threat was delivered orally and in writing to the staff in the office of the representative in his absence. The description of the person involved was conveyed to the Government of Cambodia, which responded quickly and appropriately. A suspect was arrested on 26 June 1995. It would be intolerable if the representative could not perform his duties without threat or intimidation. The Special Representative expresses his satisfaction and thanks for the prompt reaction of the Government of Cambodia and the relevant United Nations agencies.

62. The above threat to the Secretary-General's representative must be seen in the context of other recent, and so far unresolved, attacks on United Nations personnel in Cambodia. These have included:

(a) The armed abduction and apparently deliberate shooting in the thigh on 8 September 1994 of Monica Oliveros, the 5-year-old daughter of Mr. Luis Oliveros, an officer of the Centre for Human Rights. This occasioned the emergency evacuation of that officer and his family from Cambodia. Despite some leads to identify the culprits, no one has yet been brought to justice as a result of this attack;

(b) The murder on 29 June 1995 of Ms. Mouninith Goossens, the spouse of a WFP staff member in Siem Reap. Although two suspects were arrested, they implicated a third person, who has not been apprehended as of this writing. Representations by United Nations officers, including the representative of the Secretary-General in Cambodia, were made to the Government;

(c) On 7 July 1995, in Kampong Thom, in a matter having to do with rice distribution, an officer of WFP was also threatened with murder by an officer of the Provincial Red Cross (PRC). The PRC officer was ordered transferred to another town by PRC. Subsequently the premises WFP and PRC shared in common were sprayed with bullets. Although nobody was physically injured, no one has yet been charged as a result of this action, which was plainly intended to intimidate those concerned.

63. The Special Representative brought his concerns about the threats to United Nations personnel, including all of the above, to the notice of the Minister of Interior, Mr. Sar Keng, when he met with the Minister during the sixth mission. A clear government response to, and action upon, these complaints will allow United Nations officers and their families to feel safe and to perform their duties in Cambodia in a normal manner.

64. A derivative problem, called to the attention of the Special Representative in every part of Cambodia which he has visited, is the extent to which firearms are readily available to the population. In part, this is the consequence of decades of war and revolution. It persists, partially, because of the continuing security challenge, but also because of the unregulated and unsanctioned abuse of their firearms by military and police personnel, often resulting in deaths and injuries of civilians. In Kampot, the Special Representative attended a mourning ceremony at which a mother grieved for her son, himself a soldier, allegedly killed for no apparent reason by a fellow soldier at a roadblock. Until the number of available firearms is radically reduced in Cambodia, real power will continue to be attached to guns, and many mothers, and others, will grieve.

VI. RECOMMENDATIONS

A. Right to health

65. The highest priority should be given to the increase by the Government of the budget of the Ministry of Health, as well as to campaigns directed at preventing the transmission of the human immunodeficiency virus (HIV), which causes AIDS. The Special Representative welcomes the agreement of the First Prime Minister to accept the position of the Honorary Chairman of the Inter-Ministerial Committee for AIDS/STD Prevention and Control. There is a need for wholehearted and active support of the national AIDS programme, in consultation with the World Health Organization (WHO) and other agencies. The Special Representative particularly recommends the following priority areas:

(a) The highest priority should be given to the increase by the Government of the budget of the Ministry of Health;

(b) In the prevention campaign against the spread of the HIV/AIDS virus, interventions should be made to involve and train commercial sex workers in safer sexual practices;

(c) The services to treat sexually transmitted diseases should be increased;

(d) General public awareness should be promoted;

(e) The draft law on the kidnapping, trafficking and exploitation of persons should be reviewed in close consultation with the Inter-Ministerial Committee for AIDS/STD, WHO, the Centre for Human Rights, and other relevant United Nations agencies;

(f) Appropriate public posters and advertisements should be restored, so as to bring AIDS awareness to the attention of the general population and to increase the availability and use of condoms.

B. Right to education

66. The Special Representative recommends that the highest priority be given to the increase by the Government of the budget of the Ministry of Education.

C. Right to housing

67. The Special Representative recommends that the following steps be taken to improve the handling of the problems of squatters, in order to ensure respect for their basic human rights:

(a) The City of Phnom Penh and other relevant municipalities should develop and publish an urban plan clarifying proposed land use in areas currently used by squatters;

(b) The squatters' representatives and communities should be consulted in respect of the orderly resumption of areas of land occupied by squatters;

(c) Land laws should be enforced in respect of the rights of persons who have continuously occupied land peacefully for many years;

(d) Before any eviction is attempted, due notice should be given to the squatters to permit peaceful removal of their property, discussion about compensation and the provision of suitable alternative housing sites;

(e) Court orders should be required before any forcible, contested eviction is attempted;

(f) Strict discipline by police, military and city officers should be observed in the conduct of the eviction of squatters;

(g) Education for children in squatter communities should be organized and provided.

D. Right to a healthy environment

68. The Government should continue to enforce the prohibition of logging of timber without reforestation and the ban on exports of such timber. In consultation with neighbouring countries, the Government should move resolutely to tighten the controls on the illegal export of timber from Cambodian territory.

E. New laws and practices

69. The Centre for Human Rights should continue vigilantly to monitor draft laws and to provide technical advice to the Government on the conformity of such laws with Cambodia's international human rights obligations. The Centre for Human Rights should alert the Special Representative concerning any draft laws which might raise serious human rights concerns so that he can consider making

representations to the Government in the form of a Human Rights Recommendation. In particular, the following proposals or draft laws should be reviewed: (a) draft law on labour; (b) draft law on kidnapping, trafficking and exploitation of persons; (c) draft law on pharmaceuticals; (d) draft law on association; (e) draft law on nationality and refugees; (f) draft law on land-mines; (g) the decree arising out of the Press Law; and (h) the decree arising out of the Immigration Law.

70. The Centre for Human Rights, in consultation with the Ministry of Justice, should offer an amendment to article 51 of the Law Regulating the Civil Servants to remove the effective impunity granted to members of the civil service against prosecution for certain criminal offences without the approval of a superior. The article should either be repealed altogether by the National Assembly or its operation confined to circumstances not inconsistent with equality before the law.

71. The Government of Cambodia should introduce improved administrative arrangements for cooperation between officials in different provinces to secure the extradition (return) of persons accused or suspected of a criminal offence, upon receipt of a warrant of request by a court or prosecutor in another province. Consideration should be given to the introduction of an enforceable summons for the attendance at legal proceedings of a witness. The effective prosecution of criminal process in particular should not be dependent upon the capacity of the court or prosecutor, or the ability of the family of a victim, to pay the necessary funds for the accused, or a vital witness, to be brought to court in a serious criminal case. The Centre for Human Rights should offer its technical assistance to the Ministry of Justice in proposing a draft of such a law.

F. Independence of the judiciary

72. The Special Representative commends the steps being introduced for the improved training of judges. In addition to those being pursued by the Ministry of Justice, these include:

(a) The Judicial Mentors Programme, being introduced by the Centre for Human Rights in consultation with the Ministry (see A/50/681/Add.1, para. 62);

(b) Lectures on relevant international human rights conventions and provision by the Centre for Human Rights of translations of those instruments into the Khmer language;

(c) The technical advice being given to Cambodian judges, prosecutors and court officials by judges and lawyers sponsored by the International Human Rights Law Group and provided by donor countries, including Malaysia. The effectiveness of these programmes should be monitored by the Centre for Human Rights in close consultation with the Ministry of Justice and the judges, prosecutors and court officials concerned.

73. The Government of Cambodia should explore the possibility of paying the judges and prosecutors of Cambodia a minimum salary which will ensure that those

with the will to be, and remain, scrupulously honest and uncorrupted can do so. A salary of the equivalent of US$ 400 per month for Cambodia's 135 judges has been proposed. The Government should explore the possibility of subventions from the World Bank or other appropriate bodies to permit the supplementation of judicial salaries to ensure judicial independence and the rule of law.

74. In the event that the foregoing is not accepted, the Special Representative recommends that the members of the Constitutional Council, when appointed, the Supreme Court and the Court of Appeal should receive the same salary at least as a member of the National Assembly. The judiciary is the third branch of the Cambodian Government. The Constitutional Council, when established, should enjoy a status, and an opportunity for the independence and integrity of its members, no less than that enjoyed by the members of the National Assembly.

G. Prisons and other custodial institutions

75. Urgent attention should continue to be given to the state of Cambodia's prisons (see A/50/681/Add.1, paras. 40-43). The defects in the condition and facilities of the prisons at Kampot and Kampong Cham, disclosed in the present report, should be addressed. The Cambodian office should continue (see A/50/681/Add.1, paras. 57-61), in dialogue with the ministries concerned, to explore the possibility of international donations to remedy the most glaring deficiencies in the current prison system and to develop new and modern prison facilities with conditions of security, cleanliness and humanity more closely approximating the prisons in other countries of the region.

76. The Ministries of Justice and Interior should take steps to enforce the minimum daily time for release from confinement in cells and to sanction the failure or refusal of prison guards to comply. Administrative discretion should be given to prison commanders, in exceptional circumstances, to vary the actual hours of release from cells, provided a specified minimum is allowed, by roster in the absence of any other alternative, to each prisoner. Facilities for sport and exercise should be required in every prison. Access to human rights NGOs and Defenders should be provided without hindrance, provided proper notice and proof of identity is given. The use of dark cells, shackles and leg irons and collective punishments in prison should be absolutely forbidden and punished where it is proved that they have occurred.

H. Press Law and freedom of expression

77. The Special Representative notes that a second journalists' organization, the League of Cambodian Journalists, has been established in addition to the Khmer Journalists' Association. The Centre for Human Rights should continue to work with the Khmer Journalists' Association and with the Cambodian Communication Institute and UNESCO and offer assistance to the League of Cambodian Journalists, concerning the improvement of standards and the safeguarding of the independence of the media and of journalists' organizations in Cambodia.

78. The Centre for Human Rights should keep the concerns expressed by the Special Representative in relation to the Press Law under review as that law is brought into operation. In particular, if subordinate legislation is introduced to define terms such as "national security" and "political stability" in the law, the Centre for Human Rights should offer its assistance in a way that will help to maximize the protection of freedom of expression in Cambodia.

I. Right to be elected and to take part in government

79. In the absence of necessary constitutional and legal amendments clearly authorizing such a course, the expulsion of members of the National Assembly, upon their removal of political parties in whose interest they were elected should cease.

80. Stimulated by the legal controversy following the expulsion of a member from the National Assembly and the threatened expulsion of more members and the urgent desirability of having an institution that provides authoritative constitutional decisions in such cases, the Constitutional Council should be established without further delay.

J. Vulnerable groups

81. The directives issued by the Ministry of Interior calling for the holding in "immigration centres" and the immediate expulsion of illegal aliens without due process of law should be rescinded in writing. A nationality law with a full definition of a Cambodian citizenship and consistent with the Constitution and Cambodia's international obligations should be enacted as soon as possible. No mass detention or collective expulsion of suspected illegal aliens should occur. Directives should be issued confirming that each person's individual case will be individually considered and determined on its own merits.

82. The Government should consider taking the following steps in furtherance of the human rights of children in Cambodia:

(a) Laws relating to children should be reviewed to ensure their compliance with the Convention on the Rights of the Child;

(b) The proposed Cambodian National Children's Council should assume the responsibility of monitoring the implementation in Cambodian law and practice of the requirements of the Convention of the Rights of the Child. It would be highly desirable for the Council to include three NGO representatives, as proposed in the sub-decree submitted to the Council of Ministers;

(c) A high-level meeting attended by representatives of the World Bank, UNICEF and international donor organizations should be summoned to consider the provision to Cambodia of the special economic assistance necessary for an effective attack on the impediments to the attainment of full human rights for children in Cambodia;

(d) Judges, police, teachers and other relevant governmental personnel should be given training in the requirements of the Convention on the Rights of the Child;

(e) Special attention should be given, in the development of policies for children, to the needs of ethnic minorities, rural children, orphans and handicapped children;

(f) In the area of juvenile justice, the Centre for Human Rights should assist the Government in ensuring that any new legislative or administrative practices are consistent with the Convention on the Rights of the Child and other relevant international guidelines in particular, the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The age of criminal responsibility should be established by law. Judges should be specially trained to handle juvenile cases. Education should be provided to juveniles in detention. The guidelines for the operation of the Youth Rehabilitation Centre should be prepared in consultation with the Centre for Human Rights and the relevant NGOs;

(g) Trafficking in or kidnapping of children, the sale of underage children into prostitution and sexual exploitation of minors under the legal age of consent should be punishable criminal offences. A task force to monitor the foregoing problems should be established to include the relevant NGOs, with the power to carry out advocacy for the protection of children and to prepare legal and administrative policies and reforms. The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography should be engaged in helping to tackle the growing problems of child sexual exploitation in Cambodia. The proposed draft law on the kidnapping, trafficking and exploitation of persons should deal specifically with the sexual exploitation of children.

K. Reporting obligations

83. Cambodia should fulfil, without further delay, its reporting obligations under the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and other conventions with reporting obligations. The Centre for Human Rights should, as requested, further assist the Ministry of Justice, the Inter-Ministerial Committee and the Council of Ministers in order to secure the earliest possible completion of the reports (see A/50/681/Add.1, paras. 81-85). The attention of the Cambodian Government has been specifically drawn to the necessity to finalize the report by the Cambodian Government to the Committee on the Elimination of Racial Discrimination before 31 December 1995.

L. Security issues

84. The Centre for Human Rights should provide assistance, as required, and closely monitor the introduction of a law to prohibit the use of land-mines in Cambodia. The office of the Centre should give consideration to ways in which

the special concerns of Cambodia can be placed effectively before the Treaty Review Conference in Vienna in September 1995.

85. The Government of Cambodia should institute a project aimed towards a national plan for the recovery of firearms from the population. Such a policy is necessary to reduce the incidence of violence involving the use of guns, which continue to plague Cambodian society. Any such firearm retrieval policy would need to utilize techniques of inducement (amnesty, reward and destruction) as well as an effective policy of punishment for illegal possession of firearms after the expiry of an amnesty. The Special Representative recommends that the Government of Cambodia consult with other countries, including those of the Association of South-East Asian Nations (ASEAN), which may have relevant experience in the reduction of the prevalence of firearms. They might offer Cambodia the benefit of their experience. It is recommended that Cambodia set this project in motion so that it can be introduced and enforced as soon as the security situation permits.

86. In the meanwhile, strict regulations relating to the use of their firearms by law-enforcement personnel (the police, the military, the militia) should be adopted and effective enforceable mechanisms should be devised to ensure the effective compliance with these regulations, including by the use of sanctions. An effective implementation of such measures would greatly contribute to curbing the number of human rights violations, including killings and injuries, caused by abusive use by security personnel of their firearms.

87. The Government should make it plain that the attacks on United Nations personnel are condemned. It should ensure that all such attacks are investigated promptly and followed up vigorously and that those shown to be responsible are rendered accountable to the law. If the Government firmly addresses this issue, the image and reputation of Cambodia, particularly among United Nations and other international organizations, would be further reinforced. A lack of resolute action by the Government in such cases may be misunderstood as an official tolerance of these practices and as an encouragement to further violence against United Nations and other personnel working in Cambodia by elements bent on violence.

M. Ongoing technical advice and assistance

88. The Special Representative once again expresses his commendation to the office of the Centre for Human Rights in Cambodia and its staff, including the United Nations Volunteers (UNVs), consultants and judicial mentors, for their dedicated work during the period under review. He also pays tribute to the Cambodian and international human rights and other NGOs as well as to other United Nations agencies, funds and programmes, notably UNDP, UNV and the Office of the United Nations High Commissioner for Refugees (UNHCR).

89. He recommends more regular consultations between concerned ministries, such as the Ministries of Justice, Interior and Defence, and Cambodian human rights NGOs. In particular, the Special Representative invites the Government to consider the establishment of a regular consultative mechanism, possibly a monthly or bi-monthly meeting between representatives of concerned ministries

and Cambodian human rights and other NGOs. Such a mechanism would allow each party to understand the work, point of view and concerns of the others, in an atmosphere of fruitful exchange and dialogue. This would also help defuse potential tensions which can sometimes arise from misunderstandings and lack of communication.

90. The Special Representative makes the following administrative suggestions:

(a) There remains an urgent need to reduce the delays in the provision of financial and personnel decisions to the Cambodia office from the Centre's headquarters in Geneva. The creative administrative steps, urged in previous reports, have still not been taken to ensure an appropriate measure of autonomy of action, budgetary delegation and avoidance of delays in the filling of vacant positions;

(b) In preparation for future missions of the Special Representative, a pamphlet in the Khmer language should be prepared describing the mandate of the Special Representative, the programme of technical cooperation of the Centre in Cambodia and the activities of each to date. This would be of particular help in the provinces where the work of the Centre is less well known than in Phnom Penh;

(c) Particular tribute is paid to the UNVs and human rights assistants posted at provincial offices in Siem Reap, Battambang and Kampong Cham. The provincial offices have extended the effectiveness of the work of the Centre (see A/50/681/Add.1, paras. 109-112). They have also greatly enhanced the work of the Special Representative. Combined with the Judicial Mentors Programme and appropriate liaison with government agencies, other United Nations agencies, funds and programmes (ibid., paras. 118-134) and NGOs, these will enlarge the outreach of the work of the United Nations for human rights in Cambodia, which remains a most worthy undertaking.

Notes

1/ E/CN.4/1994/73 and Add.1.

2/ E/CN.4/1995/87 and Add.1.

3/ E/CN.4/1994/73 and Add.1.

4/ See General Assembly resolution 2200 (XXI), annex.

5/ A/46/61-S/22059.

ANNEX I

Programme of the sixth mission of the Special Representative of the Secretary-General for human rights in Cambodia, 5-16 August 1995

5 August

Arrival at airport

Working meeting with the staff of the Centre for Human Rights

Dinner with the Secretary-General's representative in Cambodia, Mr. Benny Widyono

6-8 August: Field visit to Kampot Province

6 August

Departure to Kampot Province

Meeting with local human rights NGOs

Visit of Kampot provincial prison

7 August

Visit of a traditional music school for orphaned and handicapped children

Departure to Kep Municipality

Speech delivered by the Special Representative at a human rights training seminar for police officers

Meeting with and briefing by the Governor of Kep

Visit to Chamkar Bei-Khmer Rouge defectors and their families resettlement zone in Kep

Meeting with United Cambodian Communities (UCC) trained community leaders

Dinner with the Provincial Governor

8 August

Meeting with the representatives in Kampot of the International Human Rights Law Group's court reform project

Meeting with Kampot Tribunal

Visit of several UCC development projects for vulnerable groups (widows, war invalids, children)

Meeting with the Director of the Central Justice Office of the Provincial Judiciary Police

Departure to Phnom Penh

9 August: Visit to Kampong Cham Province

Breakfast with Mr. Khieu Kannharit, Secretary of State for Information

Departure to Kampong Cham

Arrival in Kampong Cham provincial town

Meeting with local human rights NGOs

Lunch with United Nations and other aid agencies

Meeting with the provincial tribunal

Dinner with the provincial Deputy-Governor and his staff

10 August

Meeting with Mr. Hun Neng, Provincial Governor

Visit of the provincial prison

Departure to Phnom Penh

Meeting with Mr. Pin Sam Khon, President of the Khmer Journalists Association

Meeting with Mr. Chhum Kanal, President of the League of Cambodian Journalists

Meeting with Mr. Son Soubert, Second Vice-President of the National Assembly

11 August

Breakfast with Mr. Gildas Le Lidec, Ambassador of France, and Mr. G. Porcell, responsible for French technical and cultural cooperation with Cambodia

Meeting with Mr. Loy Sim Chheang, First Vice Chairman of the National Assembly, and the heads of several National Assembly Commissions on the legal and technical aspects of the expulsion of MPs

Meeting with Mr. Ieng Mouly, Information Minister and President of the Mines Action Centre

Meeting with representatives of United Nations agencies, funds and programmes in Cambodia, ICRC and the European Union

Meeting with the diplomatic corps

Dinner with Prince Norodom Sirivuddh, Secretary-General of the FUNCINPEC party

12 August: Children's Rights Day

Visit of Kolap 1 Government orphanage

Meeting with Mr. Suy Sem, Secretary of State for Social Affairs, Labour and Veterans

Meeting with the Committee on the Convention on the Rights of the Child: briefings on child sexual exploitation and trafficking, education, juvenile justice

Lunch with Mr. Yim Po, President of the Cambodian Centre for the Protection of Children's Rights

Meeting with Mr. Chhim Siek Leng, Mayor of Phnom Penh, and his staff

13 August

Meeting with heads of Cambodian human rights NGOs

Lunch with ASEAN ambassadors, hosted by the Ambassador of Indonesia

Meeting with the Urban Sector Group

Field visit to squatter settlements in Phnom Penh

Dinner with the Ambassador of Malaysia, Mr. Deva Mohd Ridzam

Night visit of Phnom Penh street children with the NGO Little Friends

14-16 August: Meetings with senior Government figures

14 August

Report drafting: Mr. Kirby

Lunch with the Ambassador of Indonesia, Mr. Taufik Rachman Soedarbo

Report drafting

Meeting with the Minister of Justice, Mr. Chem Snguon

Report drafting: Mr. Kirby (continued)

15 August

Meeting with the Co-Minister of Interior, Mr. Sar Kheng

Report review with the staff of the Cambodia Office

Press conference at the Foreign Correspondents Club

16 August

Meeting with the President of the National Assembly and Chairman of the Cambodian People's Party, Mr. Chea Sim

Audience with His Majesty the King, Preah Bat Samdech Preah Norodom Sihanouk Varman

Departure to the airport

ANNEX II

Human rights recommendations 1994-1995 a/

[Original: English and French]

HR REC 17/94 b/ - August 1994: Continued illegal detention of nine suspects in connection with 2 July coup attempt. The Ministry of Foreign Affairs acknowledged receipt, informed the Special Representative that his recommendations had been transmitted to relevant authorities and that response by them would be forwarded. No response was received. The nine suspects were released.

HR REC 18/94 - August 1995: Ministry of Interior circulars relating to NGOs' freedom of association and of expression. A Ministry of Foreign Affairs reply dated 13 October 1994 assured the Special Representative of the commitment of the Government to respect freedom of association and expression as guaranteed by the Constitution. A telegram by the Ministry of Interior to provincial and municipal governors clarified the directives: new NGOs only are required to seek authorization from the Ministry of Interior to operate; NGOs are not requested to provide reports on their activities and on the composition and number of their staff; and no authorization is required to organize meetings or training sessions but the authorities solely need be informed about them. A law on associations is currently being drafted by the Ministry of Interior.

HR REC 19/94 - 16 September 1994: Immigration Law. The Ministry of Foreign Affairs acknowledged receipt and assured the Special Representative that the law would be implemented in full respect of the Cambodian Constitution and international human rights conventions acceded to by Cambodia. Several recommendations, including one on increased cooperation with the office in Cambodia of the Centre for Human Rights, were considered and accepted by the Ministry of Interior. A consultant provided by the Centre for Human Rights is currently working with the Ministry of Interior to assist in drafting subordinate legislation.

HR REC 20/94 - 29 September 1994: Attack on Centre's staff member Luis Oliveros and his five-year-old daughter Monica. The then Minister for Foreign Affairs alerted the National Police and himself took an active part in the search and rescue of Monica Oliveros after she was abducted by armed men. The Ministry of Foreign Affairs acknowledged receipt of the letter on 25 October 1994 and condemned the attack. It assured the Special Representative of prompt action against the perpetrators, if found. Similar letters of condemnation by His Majesty the King and the First Prime Minister were addressed to the Special Representative. The perpetrators, alleged to be military personnel, were identified by the police. However, no known action against them has so far taken place. There is no indication that the police are seriously pursuing their investigation. The matter was again raised by the Special Representative during his sixth mission with the Minister for Foreign Affairs and the Minister of Interior.

HR REC 21/94 - 16 September 1994: Assassination of journalist Noun Chan; deterioration of situation of press freedom. The Ministry of Foreign Affairs responded on 25 October 1995, condemning the assassination and informing the Special Representative that an investigation had been ordered into the murder (see main document, para. 46). The letter by the Ministry of Foreign Affairs condemned what it regarded as "abuse of press freedom" by journalists in the form of "public insults, slanders, use of filthy language and publication of pornographic materials". It stated that Cambodian public opinion felt that "there is too much freedom of the press in Cambodia, to the point of becoming an anarchy in which freedom will suffer and perish".

HR REC 22/94 - 27 October 1994: [Second letter about] attack against United Nations Centre staff member and his five-year-old daughter Monica. [Action taken; see above]

HR REC 23/94 - 26 September 1994: Warnings to human rights NGOs (in connection with the murder of Noun Chan). No formal response. No action was taken against the concerned NGOs. In a public statement dated 29 September 1994, the First Prime Minister said the Cambodia office of the Centre for Human Rights was "more concerned with its investigation into a case that is already two years old c/ than with the most unwarranted and dubious accusations emanating from [human rights] organizations whose mission is precisely to ensure respect for the basic rights of citizens. It is unfortunate [...]"

HR REC 24/94 - 18 November 1995: Draft press law. The Ministry of Foreign Affairs acknowledged receipt and informed the Special Representative that his recommendations had been shared with concerned authorities and that it would forward any response by them. Several recommendations were incorporated in the draft by the Ministry of Information. No other formal response was received.

HR REC 25/94 - 28 November 1994: Freedom of expression: Two cases (closure of the newspaper Odom Kete Khmer; suppression of the TV programme "The public opinion". The Ministry of Foreign Affairs acknowledged receipt on 12 December and informed the Special Representative that his letter had been passed on to relevant authorities and that it would forward any response by them. No known action was taken. No formal response was received. Odom Kete was allowed to reopen a week before the fifth mission to Cambodia of the Special Representative. However, it was shut down again soon afterwards. The newspaper recently resumed publication pending an appeal against a conviction. It is subject to new court proceedings.

HR REC 26/94 - 27 December 1994: Killing of journalist Sao Chan Dara - Threat of violence to the newspaper Preap Norm Sar; letter of the Ministry of Information dated 16 December 1994 concerning the publication of "obscene" stories. No formal response was received. A suspect, army Col. Sat Soeun, was arrested upon action by the Ministry of Interior and detained in connection with the murder of the journalist. He was tried in June 1995. He was acquitted of the charges in a trial before Kampong Cham provincial court. No further action was taken. There is no indication that the murder continues to be investigated.

HR REC 1/95 - 30 January 1995: Alleged threats against certain members of the National Assembly. No acknowledgement of receipt. No formal response. The

Second Prime Minister, Mr. Hun Sen, declined to comment during a meeting on 25 January at which the Special Representative raised the matter. The Government made a statement before the United Nations Commission on Human Rights in February 1995 stating that: "With regard to threats against members of the National Assembly, no such threat exists [...] However, there are certainly one or two members of the Assembly who insult the Government and the army and, out of fear, tell everyone that they have been threatened."

HR REC 2/95 - 2 February 1995: Draft press law. No acknowledgement of receipt. No formal response. The main recommendations were not included in the draft before it was enacted by the National Assembly.

HR REC 3/95 - 13 April 1995: Protection for freedom of expression and opinion of journalists. The Ministry of Foreign Affairs acknowledged receipt on 2 May 1995. It stated that the recommendation had been passed on to relevant authorities and that any response by them would be forwarded to the Special Representative. No further response. No known follow-up.

HR REC 4/95 - 13 April 1995. Reported killing of Vietnamese civilians; lack of prosecution of perpetrators. The letter drew the Government's attention to a killing allegedly perpetrated by non-Khmer Rouge elements, as appeared to be the case in at least three reported incidents in 1994. The Ministry of Foreign Affairs acknowledged receipt on 2 May. It stated that the recommendation was being shared with relevant authorities and that it would inform the Special Representative of any follow-up. No response. No follow-up. No known action.

HR REC 5/95 - 22 May 1995: Proposed law for the regulation of the legal profession. No acknowledgement of receipt. No formal response. The Special Representative's main recommendation that the profession of human rights Defender be formally recognized was incorporated in the draft law adopted by the National Assembly, although for a maximum duration of two years.

HR REC 6/95 - 30 May 1995: Status of members of the National Assembly. In a reply addressed in his capacity as President of the FUNCINPEC party, Prince Norodom Ranariddh, the First Prime Minister, rejected the Special Representative's recommendations as unwarranted interference in the workings of Cambodia's sovereign National Assembly. The letter contrasted the position of the Special Representative, as stated in his recommendation (respect for freedom of expression of members of the National Assembly, for the Constitution, the Electoral Law and the internal rules of the National Assembly) with that attributed to the Secretary-General, as had been made public by the Secretary-General's representative in Cambodia (non-interference in domestic matters). The member of the Assembly was expelled from the Assembly on 22 June 1995.

HR REC 7/95 - 16 June 1995: Draft press law. No acknowledgement of receipt. No formal response. No known action (see above).

HR REC 8/95 - 26 July 1995: Alleged attacks on guards of former Minister. The First Prime Minister replied on 12 August that the Special Representative's recommendations have been passed on to "competent military authorities for investigation and report" and that he would be informed of any development about

the matter. No known action as of the date of preparation of the present report.

HR REC 9/95 - 15 August 1995: Arrest of balloon flyers distributing pamphlets. The Minister for Foreign Affairs, Mr. Ung Huot, acknowledged receipt of the letter at a meeting with the Special Representative on 16 August 1995 during his sixth mission to Cambodia. However, he did not comment on the substance of the matter as the case was being heard on the same day by the Phnom Penh Municipal Tribunal.

Notes

a/ For the previous human rights recommendations, see A/49/635, annex III.

b/ HR REC = human rights recommendation.

c/ I.e., the case of the secret military detention and execution site at Cheu Kmau.

ANNEX III

Letter dated 13 October 1995 from the Royal Government of Cambodia to the United Nations Centre for Human Rights

I apologize for the delay in our comments on Mr. Michael Kirby's draft report on the human rights situation in the Kingdom of Cambodia to be submitted to the General Assembly, owing to the fact that we received it quite late.

My Government has taken careful note of all points and recommendations made by the Special Representative for the implementation and promotion of human rights in Cambodia. As we shared most of his remarks and recommendations, we also wish to bring to his attention the following observations which we hope will, to a large extent, help make this draft report even more balanced.

In fact, the information and clarifications provided by the Cambodian Government officials at both the central and local levels with Mr. Michael Kirby during his sixth mission to Cambodia hopefully would give him a better understanding and comprehensive picture of the human rights situation in Cambodia as well as the unchanging and firm commitment of the Royal Government of Cambodia to work for the protection and promotion of human rights. However, we still ascertained that this draft report, firstly, contained a number of allegations levelled against the Royal Government that were not only contradictory with the reality but also outdated. Secondly, some of the wordings used in the draft report were not appropriate and consistent with the political will and efforts made by the Royal Government in the implementation and improvement of the human rights situation. Thirdly, a number of criticisms against the Royal Government were unclear and non-specific. And finally, there were also a number of unsubstantiated assertions which appeared to be based only on rumour and hearsay.

- Paragraph 10: This paragraph should be written as follows:

"Unfortunately, it did not prove possible for the Co-Prime Ministers to receive the Special Representative due to the fact that the schedule of the First Prime Minister was so tight while the Second Prime Minister was absent from the country for health reasons. However, ... contemplated."

- Paragraph 11: This paragraph should be written as follows: "... If possible, technical assistance should be offered to the institution(s) to be set up by the Royal Government of Cambodia to assist in analysing the information on human rights in Cambodia". Institutions(s) here means the mechanism to be put in place by the Government.

- Paragraph 13: Owing to the lack of communication between the Royal Government and the Centre, there are some actions which have already been taken by the Government with regard to the recommendations made in earlier reports but which the Centre was not aware of. Therefore, this paragraph should read as follows:. "Due to the lack of communication between the Government and the Centre, it seems that some actions have already been taken by the Royal Government with regard to the recommendations made in earlier reports but the

Centre was not informed of. In other cases, implementation ... recommendations".

- Paragraph 13, subparagraph (e): It would be better if this subparagraph acknowledged the causes which hampered the Government in responding to the recommendations and reports of the Special Representative, rather than jumping to such a conclusion. Therefore, subparagraph (e) should read as follows: "The Special Representative hopes that, if material and financial resources are made available to the Government, the latter will be in a better position to timely respond to his recommendations and reports."

- Paragraph 16: For this paragraph, the word "harass" is not appropriate. We wish to change the word "harass" to "contain and control". In the same sentence, the report says: "to remove public posters promoting the use of condoms". We wish to explain to you that no instructions have been given by the Government to the local authorities to do so. Therefore, we wish to correct that phrase to read "the authority should ensure that these posters will not be removed".

- Paragraph 16, middle of paragraph: "The Special Representative ... was nearing completion". The Council of Ministers had approved such a draft law. It is currently under the National Assembly's Committee to review it. We have no authority to tell the National Assembly what to do. However, according to our experience, if the Committee disagreed, they would reject this draft and require us to amend it.

- Paragraph 16, end of paragraph: Regarding HIV/AIDS, we appreciated very much the comments made by the Special Representative to welcome a decision of Cambodian journalists to improve and increase media reportage of the issue of HIV/AIDS. During the meeting with the Director of the Centre for Human Rights Cambodia office, we also reported that efforts have been made by the Government to include advertisements on the radio, in local newspapers and local TV as well. This is a very intensive effort to increase the awareness of the population on the issue. Yet it is at the high level of the Royal Government of Cambodia's efforts to determine the fight against this communicable disease including the Committee which has been established and chaired by His Royal Highness the First Prime Minister. Therefore, we do not share the view of the report that the national campaign against HIV/AIDS has been set back, as has been reported by the Special Representative.

- Paragraph 18: The report has said that health-care service staff charge substantial sums for their services. The Ministry of Health has been instructed to conduct an investigation on the matter. The result of this investigation will be brought to your attention through the Centre for Human Rights Cambodia office.

- Paragraph 24: We request a correction on the settlement on the land continuously for more than five years, which gives entitlement to legal ownership of the land under the State of Cambodia land law, to reflect the exact wording of such law.

- Paragraph 30: We request inclusion of the latest efforts made by the Royal Government, on 30 April 1995, including the utilization of air force, to enforce the ban on log exports. And we believe this firm commitment of the Royal Government to protect our environment deserves to be complimented.

- Paragraph 32: The response to the concerns over the Press Law are included in the annexes made by the Ministry of Information.

- Paragraph 32: "... Law Regulating the Civil Servants, passed in October 1994, contains an article 51 that provides a measure of immunity from prosecution to all civil servants in certain cases". We wish to clarify this point as follows. Those who are caught red-handed will be prosecuted immediately. However, this law also states that those civil servants who are being accused will need to have the consent and the opinion of their supervisors.

- Paragraph 33: "... As originally proposed, this law would have inhibited or curtailed the work of the human rights Defenders who have been trained to represent accused persons in Cambodian courts." The current Cambodian law on the Bar Association has very strong requirements that the Defenders (lawyers) should meet very specific qualification in order to be able to represent the accused persons in Cambodian courts. Paraprofessionals do not have such qualifications.

- Paragraphs 37 and 49 (a): These two paragraphs related to the expulsion of a member of the National Assembly. The Special Representative also mentioned that he had had a meeting with the First Vice-Chairman of the National Assembly, H.E. Loy Sim Chheang, and the Chairmen and other members of the Commission of the National Assembly, on 11 August 1995. The Special Representative also admitted that the explanations made by those National Assembly officials were at a lengthy session (approximately four hours). We strongly believe that the Special Representative understood the situation perfectly. Unfortunately, the Special Representative seemed not to be satisfied and has still included this matter in his report.

Final comments: On the one hand, we appreciate very much the concerns expressed by the Special Representative on human rights in every field and domain. On the other hand, we still believe that this draft report should be written in a balanced manner in order to reflect the many efforts made by the Royal Government of Cambodia at a time when the latter is still facing human, material and financial constraints. Furthermore, reading this report leads us also to have the impression that the Special Representative is acting as an authoritative law-enforcement officer, that is to say, to watch us for the discrepancy area but not to provide enough technical assistance to help implement, protect and improve the human rights situation which has been so far much better.

I kindly request you to forward this letter to the Special Representative of the United Nations Secretary-General, Mr. Michael Kirby, and circulate it as an official document of the current fiftieth session of the United Nations General Assembly.

(Signed) Nady TAN

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Secretary-General

Role of the United Nations Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

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ABBREVIATIONS

AIDAB	Australian International Development Assistance Bureau
ADHOC	Cambodian Human Rights and Development Association
AUSAID	Australia AID Agency
CADEAS	Cambodian Defenders' Association
CHARTO	Cambodian Human Rights Trainers Organization
CIDA	Canadian International Development Agency
ECPAT	End Child Prostitution in Asian Tourism
JICA	Japan International Cooperation Agency
JITED	Joint Initiative for Training in Ethics and Defamation
KID	Khmer Institute for Democracy
KKKHRA	Khmer Kampuchea Krom Human Rights Association
LICADHO	Ligue cambodgienne pour la promotion et la défense des droits de l'homme
PDK	Party of Democratic Kampuchea
SIDA	Sweden International Development Agency
UNTAC	United Nations Transitional Authority in Cambodia
UNV	United Nations Volunteers
USAID	United States Agency for International Development
VIGILANCE	Human Rights Vigilance of Cambodia

I. INTRODUCTION

Programmes, mandate and reporting

1. Under Commission on Human Rights resolution 1993/6 of 19 February 1993, the Centre for Human Rights was mandated:

(a) To manage the implementation of educational and technical assistance and advisory services programmes, and to ensure their continuation;

(b) To assist the Government of Cambodia, at its request, in meeting its obligations under human rights instruments recently acceded to, including the preparation of reports to the relevant monitoring committees;

(c) To provide support to bona fide human rights groups in Cambodia;

(d) To contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) To continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) To continue to assist with the training of persons responsible for the administration of justice.

2. The Commission requested the Secretary-General to communicate the content of the resolution to, and seek the consent and cooperation of, the Government to facilitate the tasks of the Centre in the fulfilment of its mandate, and decided to review the programme and mandate of the Centre at its next session.

3. The General Assembly, in its resolution 48/154 of 20 December 1993, requested the Secretary-General, in line with all effective measures, to assure the protection of the human rights of all people in Cambodia and to report to the General Assembly at its forty-ninth session on the programmes and activities of the Centre in Cambodia.

4. Information on the programme of activities in Cambodia of the Centre for Human Rights and the activities performed from October 1993 to January 1994 was made available to the Commission in the first report of the Special Representative of the Secretary-General for human rights in Cambodia 1/ as well as the letter sent to the Secretary-General by the two Co-Prime Ministers in which they welcomed the initiative of the Commission and the efforts of the Centre to ensure the continuity in activities for the promotion and protection of human rights through the establishment in Cambodia of the Centre's office. The Commission, by its resolution 1994/61 of 4 March 1994, took note with satisfaction of the exchange of letters between the Secretary-General and the Government concerning the consent of the Government for the fulfilment of the activities of the Centre and decided to review the programmes and mandates of the Centre at its next session.

5. Information on the activities of the Centre from February to July 1994 was submitted to the General Assembly at its forty-ninth session as an addendum to the report of the Secretary-General on the question (A/49/635/Add.1). The General Assembly, in its resolution 1994/199 of 23 December 1994, welcomed the report of the Secretary-General on the role of the Centre in assisting the Cambodian Government and people in the promotion and protection of human rights; commended the ongoing efforts of the office of the Centre in Cambodia in supporting and assisting the Government, as well as in supporting non-governmental organizations and others involved in the protection and promotion of human rights in cooperation with the Government, and condemned unreservedly attacks on them; and requested the Secretary-General to report to the General Assembly at its fiftieth session on the role of the Centre in assisting the Government and people of Cambodia in the promotion and protection of human rights. The Assembly decided to continue its consideration of the situation of human rights in Cambodia at its fiftieth session.

6. Information on the activities of the Centre from July to November 1994 was submitted to the Commission on Human Rights at its fifty-first session. 2/ In its resolution 1995/55 of 3 March 1995, the Commission noted with appreciation the programmes of activities of the Centre; welcomed the efforts made by the Government to promote and protect human rights, including measures to improve human rights education, conditions of prisons and in creating a functioning system of justice, and urged that efforts continue in those areas; expressed grave concern about the atrocities committed by the Khmer Rouge; condemned unreservedly, all threats by the Khmer Rouge; expressed grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel land-mines on Cambodian society and encouraged the Government to continue its efforts to remove those mines; called upon the Government to ensure the full observance of human rights for all persons within its jurisdiction; welcomed the agreement by the Governments of Cambodia and Viet Nam to address immigration policy and practice in a way consistent with national legislation and appropriate international standards; encouraged the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre; and encouraged the National Assembly to enact a press law consistent with internationally recognized standards and which protected freedom of expression while promoting press responsibility. The Commission also decided to review the programmes and mandates set out in its resolution 1993/6 at its fifty-second session, requested the Special Representative of the Secretary-General to report to it at the same session on the role of the Centre for Human Rights in assisting the Cambodian Government, and decided to continue its consideration of the matter under the agenda item entitled "Advisory services in the field of human rights".

7. The present report is submitted in accordance with General Assembly resolution 49/199. It contains a description of the activities and programmes implemented in Cambodia by the Centre for Human Rights from December 1994 to 31 July 1995.

Operational presence of the Centre

8. The Centre for Human Rights was first mandated to establish an operational presence in Cambodia in February 1993 by the Commission on Human Rights in its resolution 1993/6, which was subsequently endorsed by the Economic and Social Council in its decision 1993/254 of 28 July 1993.

9. In order to meet the request of the Commission on Human Rights that an operational presence of the Centre for Human Rights be established after the expiry of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC) and in order to ensure a smooth transition from UNTAC to the Centre for Human Rights with no disruption in the implementation of human rights activities in Cambodia, the Centre established its office in Cambodia on 1 October 1993, immediately after the departure of UNTAC at the end of September 1993.

10. In a letter dated 28 June 1995, the Secretary-General informed all Member States that, in March 1995, the Co-Prime Ministers of Cambodia had written to him to explore the possibility of the Centre terminating its operational presence in the country by the end of 1995 and continuing its technical cooperation activities from its headquarters in Geneva. During a subsequent meeting with the Second Prime Minister, Mr. Hun Sen, in New York, the Secretary-General proposed to send a Special Envoy to Cambodia to discuss the issue with the Government. Accordingly, Mr. Marrack Goulding, Under-Secretary-General for Political Affairs, visited Cambodia from 4 to 6 May 1995. The Secretary-General was pleased to inform all Member States that his Special Envoy's mission resulted in agreements not only on the maintenance of the office in Cambodia of the United Nations Centre for Human Rights but also on various steps to be taken to enhance the cooperation between the Government of Cambodia and the Centre for Human Rights (see also paras. 18, 19, 21 and 23 below).

11. One of those steps was for the Centre to have a more proactive approach in soliciting comments by the Government on the reports on its activities in Cambodia prepared for submission to the Commission on Human Rights and to the General Assembly and to establish a procedure for enhanced communication in that regard. In the past, although the draft report had been sent to the Ministry of Foreign Affairs one month before the submission for publication, no comments were received. In 1995, three inter-ministerial meetings were held to improve communications between the Government and the Centre on the issue of reports, in July, August and October. They included concerned officials of the Ministry of Foreign Affairs and other ministries, and representatives of the Cambodia office of the Centre. During that process, the Centre informed the Government that the Special Representative had proposed that his draft report be also dealt with in the context of the new procedure for enhanced communication. The Government subsequently provided a list of suggestions for revision and comments on the draft report of the Special Representative, which were immediately submitted to him.

12. Several ministries communicated their comments to the Centre on the relevant excerpts of the report which had been brought to their attention as agreed with the Government. The Ministry of Information had made several proposals for revisions, which have been taken into consideration by the Centre. The Ministry of Social Affairs, Labour and Veteran Affairs also made suggestions

for revision. The Chairman of the National Assembly indicated that he wished to obtain more information on the activities of the Centre and a meeting was organized between representatives of the Centre and one of his advisers.

13. On 2 October 1995, the Minister for Foreign Affairs in his statement to the General Assembly mentioned that the Government of Cambodia appreciated the work of the Special Representative; that through cooperation and regular consultations with him and the Centre for Human Rights steps were being taken to improve the situation of human rights in the country; and that Cambodia continued to support the presence and work of the Centre, which was bringing precious contributions and recommendations to the improvement of the overall situation in Cambodia.

II. ACTIVITIES OF THE CENTRE FOR HUMAN RIGHTS IN CAMBODIA

14. The Centre for Human Rights worked in close cooperation during the period under consideration with the ministries concerned, provincial authorities, the National Assembly, the judiciary, United Nations agencies, funds and programmes, bilateral development agencies, the diplomatic corps, Cambodian human rights non-governmental organizations (NGOs), human rights defenders, the press, the monks, the school leaders and the general public at large.

15. The Special Representative of the Secretary-General for human rights in Cambodia and the Director of the Cambodia office of the Centre for Human Rights were invited for an audience with His Majesty Preah Bat Samdech Preah Norodom Sihanouk Varman, King of Cambodia, on 27 January 1995, at which the Director presented to the King the technical cooperation mandate, activities and programmes of the Centre for Human Rights in Cambodia. In March 1995, the offices of the Centre for Human Rights and of the World Health Organization (WHO) in Cambodia were consulted on the organization of an audience with the King to discuss "Health and AIDS". At the audience, on 17 March 1995, the representative of the Cambodia office summarized for the King the recommendations on the topic made by the Special Representative in his last report to the Commission on Human Rights.

A. Assistance under the Trust Fund for a Human Rights Education Programme in Cambodia

16. Most of the activities to be implemented by the Centre for Human Rights in Cambodia are to be financed from voluntary contributions to the Trust Fund for a Human Rights Education Programme in Cambodia. Contributions received as at 30 June 1995 are shown in annex I to the present report.

17. By its resolution 1993/6, the Commission on Human Rights strongly urged Governments and interested organizations to consider contributing to the Trust Fund. That appeal was repeated by the Commission on Human Rights in its resolution 1994/61 of 4 March 1994 and by the General Assembly in its resolution 48/154. In its resolution 49/199 of 23 December 1994, paragraph 19, the General Assembly noted with appreciation the use by the Secretary-General of the Trust Fund to finance the programme of activities in Cambodia of the Centre for Human

Rights (see A/49/635/Add.1, paras. 4-9) and the Commission on Human Rights, in its resolution 1995/55 of 3 March 1995, paragraph 23, invited Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund.

18. A first appeal to finance the programme of activities of the Centre for Human Rights in Cambodia was launched by the Assistant Secretary-General for Human Rights, Mr. Ibrahima Fall, in November 1993, shortly after the establishment of the Centre's office in Phnom Penh. On 28 June 1995, the Secretary-General launched a new appeal to all Member States, in which he mentioned that the contributions made by a number of States in 1993 and 1994 had been used for the implementation of activities such as judicial assistance, human rights training for police and prison officials and military personnel, advisory services on prison reform, financial support to local NGOs, assistance in the drafting of legislation, information activities and assistance to the Cambodian Government in meeting its reporting obligations under international human rights treaties.

19. The Secretary-General indicated that additional resources were needed to enable the Centre to continue to implement its programme in Cambodia, as requested by the General Assembly and the Commission on Human Rights, and to enhance its technical assistance activities, as desired by the Government of Cambodia. The Secretary-General therefore invited all Member States to favourably consider making voluntary financial contributions to the Trust Fund. In the view of the Secretary-General, positive reaction from the Governments to that appeal would be an important contribution to the consolidation of the peace and democratization process in Cambodia.

20. At the time of the preparation of the present report, as a follow-up to the letter of the Secretary-General, a contribution of US$ 500,000 had been received from Australia and a pledge of £200,000 had been made by the United Kingdom of Great Britain and Northern Ireland. As with all other United Nations trust funds, 13 per cent of programme support costs are applied to all contributions received and 15 per cent is kept for operating cash reserve.

21. Details of the expenses under the Trust Fund can be found in annex II concerning assistance to the Government (sect. A) and assistance to Cambodian NGOs (sect. B). Activities funded under the Trust Fund included 32 grants to Cambodian NGOs for the implementation of human rights activities; the establishment of three provincial offices to implement the Centre's programme in the Cambodian provinces; the implementation of a Judicial Mentors Programme to assist five Cambodian courts; the provision of advisory services on prison reform and the organization of a seminar on the same topic; a grant to the Permanent Secretariat of the Inter-Ministerial Committee and its subcommittees on reporting obligations; and a study trip for Cambodian officials to Thailand to study AIDS prevention strategies.

22. Through the Trust Fund, the Centre for Human Rights provided direct financial assistance to Cambodian human rights NGOs. In 1994, the Centre funded 32 projects at a cost of $442,225. A detailed procedure for the assignment of grants and criteria for narrative and financial reporting to the Centre on the use of the funds received has been elaborated and applied. Appropriate

briefings on the issue have been provided to the NGOs that are beneficiaries of grants. The Centre has started receiving interim reports on the activities implemented through the grants and established a Trust Fund Management Team which has prepared a database and monitors the use of grants. Technical and financial support provided by the Centre to local NGOs is contributing to improving the capacity of Cambodian human rights NGOs to perform their activities, including monitoring the situation of human rights in the country, providing human rights education to various segments of Cambodian society, assisting vulnerable groups such as women, children and minorities as well as to cooperating with the Government in gathering relevant information on the implementation of the Constitution, the United Nations human rights conventions and the human rights laws and in providing government officials with relevant training in the field of human rights.

B. Assistance under the regular budget

23. In addition to financing the salaries of the staff and the operational expenses of the Cambodia office of the Centre, the United Nations regular budget provided some funds to place, at the request of the Cambodian Government, for six months a consultant at the Ministry of Interior to advise on immigration and nationality matters ($24,000) and to provide a consultant to strengthen Cambodian NGOs working in the area of children's rights ($8,750).

C. Activities implemented in the period from December 1994 to July 1995

24. The activities implemented in Cambodia by the Centre for Human Rights in the period from October 1993 to January 1994 are mentioned in the addendum to the Special Representative's first report to the Commission on Human Rights; 3/ from February to July 1994, in the addendum to the Special Representative's 1994 report to the General Assembly; 4/ and from July to November 1994, in the Special Representative's report to the Commission at its fifty-first session. 5/ The activities implemented from December 1994 to July 1995 are described below. They are grouped according to the components of the programme of advisory services and technical assistance of the Centre for Human Rights.

1. Assistance in legislative reform

25. Through its office in Cambodia the Centre for Human Rights has carried out the following activities for the creation, strengthening and support of national institutions and a legal framework consistent with international human rights norms and for securing the promotion and protection of human rights.

26. Assistance has been provided to the National Assembly in general and to its various commissions, including the Commission on Human Rights and the Reception of Complaints and to the Government, including various ministries, in the drafting and implementation of the laws listed hereunder, including by the provision of comments. Technical assistance has been provided to the judiciary through the Judicial Mentors Programme and the Provincial Officers Network

Programme. Assistance has also been provided to the civil society, including non-governmental organizations and media organizations and groups through assistance in active participation in the drafting and implementation of laws.

27. Supreme Council of Magistracy. The Law on the Establishment and Functioning of the Supreme Council of Magistracy was adopted by the National Assembly between 20 and 22 December 1994. The law provides for the appointment and transfer of and disciplinary action against judges and prosecutors. Before the passage of the law, an earlier draft had been returned by the National Assembly to the Government with questions related to its compatibility with the Constitution and for the insertion of provisions to better protect the independence of the judiciary, with the advice that an appropriate draft law should be prepared in consultation with the concerned members of the National Assembly.

28. The Centre communicated its recommendations, through the Ministry of Foreign Affairs, to the Government on the human rights aspects of the draft law, including several suggestions for amendments to the procedure for the appointment of judges, the grounds for their removal, types of disciplinary action that might be taken and provisions to guarantee the independence of the judiciary. No reply was received from the Government. The Government returned the draft in its original form to the National Assembly. At the request of several members of the Assembly, the Centre prepared detailed comments on the draft law with suggestions for amendments. In addition, several meetings were held with members of the National Assembly and officials of the Ministry of Justice. The law, as it was adopted, does not include any provisions that were recommended for inclusion.

29. At the time of preparation of the present report, the first meeting of the Supreme Council of Magistracy had not yet been convened.

30. Immigration. The Immigration Law was adopted by the National Assembly between 22 and 26 August 1994. The activities carried out by the centre to assist the Government in drafting this law are described in the Special Representative's report to the Commission on Human Rights at its fifty-first session. 6/ The law was also the subject of extensive representations between the Governments of Cambodia and Viet Nam. At the request of the United Nations High Commissioner for Refugees, Ms. Sadako Ogata, the Secretary-General intervened in order to seek assurances that the law would be implemented in a manner consistent with the international conventions to which Cambodia is a party. The Prime Ministers and the Minister for Foreign Affairs of Cambodia have assured the Secretary-General that no unilateral action would be taken and that collective or mass expulsions of ethnic Vietnamese from Cambodia would not occur. After the adoption of the law, the Centre also prepared a review of the text with suggested amendments which was shared with the Government by the Special Representative, who made his recommendations known to the Government. The Ministry of Interior then requested assistance from the Centre in drafting subordinate legislation and advice in implementation consistent with international human rights norms. The Centre accordingly assigned a consultant specializing in immigration law to work with the Ministry; this collaboration began in May 1995. At the time of preparation of the present report, the consultant is continuing to assist the Ministry of Interior and is receiving

very good cooperation. Training programmes relating to minorities, immigration and related matters are being planned for the relevant officials of the Ministry of Interior.

31. The Centre continues to assist in the implementation of the Immigration Law and the policies and practices relating to ethnic minorities, particularly as they relate to ethnic Vietnamese, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and NGOs, and, where necessary, has communicated recommendations to the Government.

32. As recommended by the Special Representative of the Secretary-General for human rights in Cambodia, the Centre has also worked in close liaison with the Ministry of Interior on the issue of the internally displaced ethnic Vietnamese at Chrey Thom, along the Cambodian-Vietnamese border. As explained in previous reports, 7/ the Special Representative visited Chrey Thom twice and made several oral and written recommendations to encourage the Government to solve the problem. The Centre has been informed about the actions taken by the Government. The Co-Ministers of Interior visited Chrey Thom. Cambodia and Viet Nam issued a joint communiqué in January 1995 following the first visit to Hanoi by the Cambodian First Prime Minister. Problems discussed included the status in Cambodia of persons of Vietnamese origin and of Cambodian refugees in Viet Nam, border issues and mutual cooperation. The communiqué called for the orderly resolution of the Chrey Thom case-load. The two Governments set up a bilateral working group to discuss and settle those issues which met in March and July 1995. On 13 July 1995, 90 persons (13 families) from the some 2,500 stranded in Chrey Thom since early 1993 were allowed by the Royal Government to return to their former place of residence in Cambodia as they could show documents showing long-term residence in Cambodia prior to 1970. The Department of Immigration is identifying other families that are entitled to return to Cambodia.

33. Press. The Press Law was debated by the National Assembly between 26 June and 18 July 1995. The law, as adopted on 18 July 1995, contains many positive elements which had earlier been commented upon favourably by the Centre. such as prohibition of pre-publication censorship, confidentiality of sources, freedom of information, privileges for publication of public records and other materials, establishment of more than one press association, a code of ethics for the press and the prohibition of incitement to violence.

34. His Majesty King Sihanouk had several times in the past expressed his view that the criminal sanctions against journalists in the draft law should be deleted. This view had been supported by the Chairman of the National Assembly, Mr. Chea Sim. The First Prime Minister had also publicly called for the amendment of the draft and supported the position of the King. The Special Representative of the Secretary-General also wrote to the Government several times during the last year and a half expressing his concerns about the draft press law (see A/50/681, paras. 44-47, 77-78 and annex II, HR REC. 24/94 and 7/95). The Minister of Information and members of the National Assembly had been receiving delegations and had listened to their representations, which included recommendations made by the Special Representative. As a result, jail terms had been withdrawn from many provisions of the draft law. Numerous appeals had been made by international human rights and press organizations

urging the National Assembly and the Government to make the press law less restrictive.

35. The Centre assisted in the drafting and review of the draft and gave its comments from early 1994 to the time of adoption of the law. It worked very closely and recommended changes to the draft law with the Government, members of the National Assembly, the Cambodian and foreign press, NGOs and the diplomatic community. A description of the main human rights concerns raised by the Press Law as adopted by the National Assembly is contained in the report of the Special Representative (ibid., paras. 44-47).

36. The Centre has also continued its activities to assist in the implementation of former laws relating to the press, including the Transitional Provisions relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period, which continues to be in force. It has done so in connection with several cases involving restrictions on freedom of expression and - consistent with its mandate to assist the Government in the implementation legislation for the protection and promotion of human rights - has communicated its recommendation to and advised the Government about many of these cases (ibid., paras. 44-47 and 77-78).

37. Women. The Cambodian Women's Code was submitted by the State Secretariat for Women's Affairs to the Council of Ministers in June 1995. The Women's Code is a comprehensive compilation of the basic guarantees relating to the protection of women's rights in the areas of non-discrimination, labour, criminal law and procedure and family law. The Code is based on the Cambodian Constitution, Cambodian laws including the State of Cambodia (SOC) family law, labour law, the criminal procedure code, the Supreme National Council Transitional Provisions, recent advances in the area of women's rights legislation in other countries, particularly neighbouring ones, and international conventions relating to human rights and labour, to which Cambodia is a party.

38. The Centre had assisted the State Secretariat, at its request, in reviewing and redrafting an earlier draft which had been prepared by a consultant from the United Nations Development Fund for Women (UNIFEM) in early 1994. The process of review took almost one year. Weekly meetings were held regularly with an inter-ministerial committee set up specially for the purpose. Several local non-governmental organizations attended the meetings. Copies of the draft were given to the United Nations Children's Fund (UNICEF) and the United Nations Division for the Advancement of Women in New York for comments and observations. Discussions were held with interested non-governmental organizations in order to make known the provisions of the draft law.

39. The Centre will continue to assist the State Secretariat in the legislative process successively through the Council of Ministers and the National Assembly. The Centre has also assisted the State Secretariat with comments on other laws relating to women, such as the draft law on kidnapping and prostitution. The State Secretariat has also submitted to the Council of Ministers a draft law on trafficking in and prostitution of children, which had been prepared in 1994 by local NGOs and the State Secretariat, with the assistance of the Centre.

40. Prisons. Several meetings were held with concerned officials at the Ministry of Interior, including officials in charge of prisons, on legislation on the rules and regulations governing prisons. At present there are no detailed rules relating to the administration and management of prisons and the rights of prisoners. With the technical assistance of the Centre, a set of draft prison rules was revised in order to prepare prison rules and regulations which are in conformity with Cambodia's international human rights obligations and consistent with the prevailing problems facing prisons and prisoners in Cambodia. A first draft has been reviewed, initially by the Ministry of Interior and is now under discussion with the concerned officials.

41. At the request of the Ministry of Interior, the Centre has also assisted in the preparation of a law on prisons. This draft is currently under discussion in the Ministry. The law will enable the adoption of prison regulations by the Ministry of Interior. Consultations with concerned parties, including NGOs, have been planned as follow-up measures.

42. The Centre continues to work closely with the Ministry of Interior on the issue of prisons. A draft medical protocol for prison visits is currently being reviewed by the Ministry. After its approval, the provisions of the protocol should be made known to the non-governmental organizations and laid down as guidelines for prison visits.

43. At the request of the Ministry of Interior, the Centre has also approved the funding from its regular budget for a consultant to explore the feasibility of implementing non-custodial options in Cambodia, as a way to reduce overcrowding in prisons. The Centre also assists in emergency situations such as water scarcity, including by recommendations to interested donors for providing assistance. Through its provincial officers, it has carried out a mapping of the inmates in Siem Reap prison, supplemented food rations for prisoners in Kampong Cham prison through an agreement with the local World Food Programme (WFP) office and funded vocational training for female prisoners in Kampong Cham prison. The Centre was also consulted on prisons by several bilateral donors, including AUSAID (Australia). The Centre is currently planning a country-wide training programme for prison officials in the new prison regulations and the law when they are adopted, in cooperation with the Ministry of Interior. The Centre also continues to visit prisons to assist in the implementation of international human rights norms relating to prisons.

44. Trafficking and prostitution of human beings. Cambodia is a party to the Convention on the Rights of the Child, the provisions of which have been given State protection under article 48 of the Constitution. Trafficking in and sale of children and the exploitation by prostitution of children have been on the increase in Cambodia according to non-governmental organizations and other concerned persons. The NGOs requested the assistance of the Centre in preparing suggestions for criminalizing the sexual exploitation and abuse of children and the trafficking, abduction and sale of children, for submission to the Government and the National Assembly. Under the existing penal code, there are no specific provisions on the basis of which prosecutions can be launched for any of these offences relating to children. The Centre therefore assisted in the preparation of a draft law on the abolition of trafficking in and prostitution of children. The draft was also reviewed and supported by UNICEF

and was presented by the State Secretariat for Women's Affairs to the Council of Ministers. It has also been brought by the NGOs to the attention of the Ministry of Justice in order to assist in the drafting of the new penal code. In cooperation with the NGOs, the Centre has also been monitoring the sale, forced prostitution and trafficking of children (see also A/50/681, paras. 53-57 and 82 (g)).

45. The Centre has also provided comments on another law relating to kidnapping and trafficking and exploitation of human persons that is currently pending before the National Assembly.

46. Nationality. A draft nationality law has been pending before the Council of Ministers since late 1994. At the request of the Ministry of Interior, the Centre has provided detailed comments on and suggestions for revisions to the draft. The lack of a nationality law has given rise to concerns both within and outside Cambodia about the possibility of abuse in the implementation of the Immigration Law, which cannot be fully implemented in the absence of a definition of "Cambodian citizen". Several meetings have been held with concerned officials of the Ministry of Interior and with concerned Cambodian NGOs on the need to adopt, as soon as possible, a nationality law consistent with the Constitution and relevant United Nations conventions ratified by Cambodia.

47. Associations. The need for a specific and clear law relating to non-governmental organizations arises from the lack of any legal provisions on the registration, validity, rights and obligations of associations. The existing rules include a decision by the Supreme National Council during the transitional period and several recent orders by the Ministry of Interior which have allegedly given rise to abuse of power by provincial officials, a confusion about the rights and obligations of associations and an atmosphere of fear among NGOs. At the request of a group of local and international NGOs and with the support of the Konrad Adenauer Foundation, the Centre provided suggestions for a model law on associations.

48. The Centre also continues to work with local authorities to assist in the exercise of the right to freedom of association of these non-governmental organizations in the framework of the Constitution and the International Covenant on Civil and Political Rights.

49. The legal profession. The Law on the Bar Association was adopted by the National Assembly between 16 May and 15 June 1995. It provides for the establishment of the legal profession and the Bar Association and the criteria for admission to the Bar, qualifications to practice, disciplinary actions against members of the Bar and a transitional period for the establishment of the first Bar Association. At the invitation of several commissions and members of the National Assembly, the Centre provided comments and suggestions for amendments. The recommendations by the Centre included one concerning the independence of the legal profession and the Defenders (ibid., paras. 32-34, and annex II, HR REC 5/95).

50. Criminal procedure. A draft of the new code of criminal procedure has been shown to the Centre by the Ministry of Justice for its comments. The Centre is

currently considering the draft code and will submit its comments and suggestions to the Ministry in the near future.

51. Electoral issues. At the request of several members of the National Assembly, the Centre analysed the legal provisions relating to the potential removal of members of the National Assembly in the light of existing legislation - the Constitution, the Electoral law, and the UNTAC Electoral Law - and international conventions (ibid., paras. 44-47).

52. Mines. The Government has taken a decision to outlaw the use, import and sale of land-mines in Cambodia. The Centre was requested to assist in the drafting of a law on land-mines to achieve these objectives and has been working with government officials, UNHCR, the International Committee of the Red Cross (ICRC), and de-mining and humanitarian agencies concerned and relevant non-governmental organizations in the preparation of a draft law. The draft is currently under consideration by the relevant officials (ibid., paras. 59-64).

53. Law on the outlawing of the Khmer Rouge. The Centre has been working to assist in the implementation of the Law on the outlawing of the Khmer Rouge. Information is being gathered on defectors, the amnesty policy, arrests and prosecutions of individuals under the law, and treatment of convicted persons in prisons.

54. Other activities. The Centre has been requested to provide assistance in reviewing the draft labour law, which has been reviewed by the International Labour Organization (ILO), and the draft law on corruption. Owing to lack of adequate resources, these drafts can be considered only at a later stage.

55. In addition, the Centre has also been establishing databases on the implementation of other human rights-related laws with a view to providing the Government with relevant information on human rights norms and laws; this would be particularly useful for the inter-ministerial subcommittees in charge of preparing reports on the implementation of international conventions to which Cambodia has acceded.

56. The Centre also continues to assist non-governmental organizations interested in the legislative reform process, at their request, with advice on the human rights aspects of laws and their implementation in a manner consistent with international human rights norms.

2. Assistance in the development and strengthening of national institutions

57. The Centre has provided financial assistance to the secretariat of the inter-ministerial committee on reporting obligations, chaired by the Minister of Justice and of the subcommittees in charge of preparing the reports of Cambodia to the Committee on Human Rights, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination. UNICEF has also contributed financially to the above secretariat, in particular to assist the subcommittee on the Convention on the Rights of the Child. If the Government so requests, such assistance could be extended in 1996 to reporting obligations

under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination Against Women, to all of which Cambodia has also acceded.

58. The Centre has facilitated the provision of US$ 10,000 from AUSAID for a research and library facility in the Ministry of Interior. The establishment of this facility, which will be carried out by a Cambodian non-governmental organization, VIGILANCE, will enhance the capacity of the Ministry of Interior, which has responsibility for drafting and implementing key human rights-related legislation.

59. Advice and assistance continues to be provided to the Cambodian Commission on Human Rights and Reception of Complaints of the National Assembly by the Centre in its day-to-day functioning. The United Nations Commission on Human Rights, in paragraph 8 (b) of its resolution 1994/61 has identified financial assistance for the National Assembly Human Rights Commission as a priority area. The First Prime Minister has on several occasions acknowledged the important role of the Commission and the need for financial assistance to expand its activities to the provinces. In order to increase the capacity of the National Assembly Human Rights Commission to monitor the human rights situation, a grant has been given under the Trust Fund to an NGO to assist the Commission (see annex II B) and act as a liaison between the Commission and competent local and international NGOs. Funding has also been provided to another non-governmental organization for parliamentary support, including educational and information activities (ibid.). Upon the invitation of the Commission, the Centre participated as an observer in a fact-finding mission to Siem Reap Province in December 1994. The Centre has advised several donor agencies, such as the United Nations Development Programme (UNDP), to secure funding for the proper functioning of the Commission and has also requested the contribution of financial assistance to the Commission from several bilateral development assistance agencies.

60. The Centre is also working with UNDP to secure funding for several national institutions and increasing their capacity in areas such as forensic facilities, rehabilitation of courts and assistance to the National Assembly. Upon a recommendation by the Centre, financial assistance has been provided by the Australian Embassy in Cambodia for the rehabilitation of the court in Siem Reap Province. The Centre is also soliciting from other donors funding for the rehabilitation of existing Cambodian prisons, which are in disrepair and decay (see also A/50/681, paras. 39-43).

61. Several briefings have also been given upon request by bilateral agencies, including donors such as SIDA, CIDA, AIDAB, USAID, Asia Foundation, as well as the United States General Accounting Office, the United States State Department and members of the diplomatic corps. Those meetings had as their purpose to assess human rights technical assistance needs and suggestions for funding and other activities in the area of assistance to national institutions, including legal structures and capacity-building.

3. Administration of justice

62. Judicial Mentors Programme. The Centre has started implementing the Judicial Mentors Programme, which had been devised in close consultation with the Ministry of Justice, and enjoys the Ministry's full support. Under this project, which began in June 1995, five consultants are being placed in provincial Courts and coordinated from Phnom Penh by a Coordinator. Initially, five provinces will be covered for a period of six months, extension being contingent upon further funding and an evaluation of the effectiveness of the Programme as formulated and implemented. The consultants will primarily assist the courts in implementing legislation in conformity with United Nations human rights conventions to which Cambodia has acceded. Two judicial mentors started working at the provincial tribunals of Siem Reap and Kampong Speu. The Judicial Mentors Programme is being coordinated with another project for judicial training being implemented by the International Human Rights Law Group.

63. Documentation. In the absence of copies of the laws in force, the judges and other officials are finding it difficult to perform their duties. The Centre has therefore compiled a set of all Cambodian laws currently in force in the area of administration of justice. These compilations, in Khmer and English, have been given by the Centre's provincial officers to provincial officials, judges and prosecutors in Battambang, Siem Reap and Kampong Cham. More copies will be printed for circulation to other provinces.

64. At the completion of a 12-month research and training programme in Cambodian prisons, a comprehensive report titled "The state of Cambodian prisons" was completed and issued in January 1995.

65. Legal training. The Centre for Human Rights has carried out a number of activities aimed at assisting Cambodia in establishing a system for the administration of justice consistent with international human rights norms. Training sessions were conducted for judges, prosecutors, prison officials and gendarmes. 8/

66. A seminar on prison reform attended by deputy governors, prison directors, police commissioners and judicial officials, together with several international experts, discussed the findings of the Centre for Human Rights report on "The state of Cambodian prisons" and issues related to prison reform in Cambodia. Following the seminar, the Department of Prisons of the Ministry of Interior requested the Centre to assist in the preparation of a draft prison law and worked collaboratively on a set of draft prison rules (see paras. 40-43 above).

67. In February, the Ministry of Defence and the Centre arranged a series of human rights training workshops for members of the military, the Military Assistance Programme. Participants consisted of 40 high-ranking military officers learning basic teaching techniques/skills in order to teach other military officers and their subordinates on the application of international human rights law and international humanitarian law and rule of law in the Royal Cambodian Armed Forces. The first of these workshops was held at the Ministry of Defence in Phnom Penh, in February. Also arranged with the Ministry of Defence is a series of human rights training sessions which provide an introduction to human rights at the Senior Military Officers School in Phnom

Penh for approximately 180 military officers. The first one of these series was held in February. In March, May and June three other training seminars were held: in the Fifth Military Region in Battambang Province; the Fourth Military Region in Siem Reap Province and the Second Military Region in Kampong Cham Province, with the assistance of the Centre's Provincial Offices.

68. A human rights workshop was conducted at the Gendarmerie School in Phnom Penh in February, examining human rights norms for policing.

69. A human rights training workshop was held for the staff of the newly developed Youth Rehabilitation Centre, concentrating on ICRC and the Standard Minimum Rules for the Treatment of Prisoners.

70. Future scheduled workshops include human rights training for lawyers being trained by the Ministry of Justice and judicial human rights training for trainee judges, also at the Ministry of Justice. Another scheduled workshop is in collaboration with the Naval Justice School of the United States, on armed forces on disciplined military operations and human rights for officers of the Royal Cambodian Armed Forces.

71. A human rights training workshop was conducted in April 1995 in Siem Reap for commune leaders in April 1995 with the assistance of the Centre's provincial office. A seminar was held in May on the Constitution of Cambodia for the staff of the provincial court and a lecture was given on human rights for the medical profession, for the doctors of the Provincial Hospital.

72. Two human rights training workshops for the Military Police were conducted in Kampong Cham in April with the assistance of the Centre's provincial office. Human rights training workshops were also conducted for 30 commune leaders, deputy commune leaders and commune militia chiefs and for 27 chiefs, deputy chiefs and police officers. Both workshops were held in Cheung Prey district. In June, a human rights training workshop was conducted for the chiefs of commune and the chiefs of commune militia in Bateay District.

73. In Battambang, with the assistance of the Centre's provincial office, a lecture was given for 40 police officers on making an arrest while applying domestic and international human rights law. A lecture was given to 25 guards at Battambang prison on the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In cooperation with the NGO Khmer Institute for Democracy, lectures were given on the topic "What are human rights?" and the Convention on the Rights of the Child to local authorities, police and teachers.

74. On 14 and 15 December 1994, a seminar on human rights, law and democracy was held for the senior staff members of the Ministry of Interior, particularly the Department of Legislation; it was funded by the Japan International Cooperation Agency (JICA). On 15 and 16 February 1995, a seminar was organized by the office for senior officers of the Ministry of Interior on "Law drafting and human rights". The Centre conducted two consultations on law drafting and the principles behind a draft law on associations for officials of the Ministry of Interior on 2 and 3 August 1995.

75. On 24 and 29 March, 17 May and 11 July 1995, lectures were given on "Rule of law" at the office of the Khmer Institute for Democracy (KID) for senior law students of the Phnom Penh faculty.

76. On 5 May 1995, the Centre participated in the training of journalists with the United Nations Educational, Scientific and Cultural Organization (UNESCO), as part of the Joint Initiative for Training in Ethics and Defamation (JITED) at the Ministry of Information. Two lectures were given by staff members on Cambodian law and freedom of the press and international and comparative law relating to freedom of the press. The Centre also participated in a regional conference for the Asia and the Pacific on Media and Government relations, hosted by the Khmer Journalists Association (KJA) and sponsored by the International Federation of Journalists and UNESCO from 24 to 27 June 1995. A Centre staff member was also on one of the panels.

77. On 15 May and 9 June, briefings were given on human rights and Cambodian judiciary at an orientation programme for the International Human Rights Law Group consultants for the judiciary.

78. On 25 May, a briefing was given for the defenders of CHARTO on the Cambodian legal system.

79. Other activities. The Centre has also attended preparatory meetings for the Third International Conference on the Reconstruction of Cambodia, particularly relating to the legal and institutional structure needed for a market economy at the request of the Cambodian Development Council. The Centre has provided advice on relevant issues, such as labour law and the judiciary, which are essential components of the legal and institutional structures needed for a market economy.

80. On 7 July, the Cambodia office received a delegation of Japanese representatives from the United Nations Centre for Regional Development, the School of Law of Nagoya University and the Japan Jurists League. The discussion concerned the support the Office has given and will continue to give to the effort of the United Nations Centre for Regional Development and the Law School to provide short-term and special training courses to Cambodians in the field of law. Suggestions were made during the meeting that such training programmes should include a curriculum for international human rights norms, in particular the international covenants and conventions to which Cambodia has acceded, and that emphasis also be put on the training of police and judges. Support for the programmes was considered important since, in the long run, such efforts could serve as a catalyst for a broader development and cooperation between Cambodia and Japan in the field of legal and human rights education.

4. Treaty reporting and international obligations

81. Since May 1994, Cambodia has started to prepare reports under the various United Nations human rights conventions to which it has acceded. An inter-ministerial committee, a permanent secretariat and two subcommittees have been created to report on the implementation of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. 9/

Technical and financial assistance have been provided to the Government by the Centre and UNICEF (see paras. 57-61 above).

82. On 26 January 1995, the Special Representative of the Secretary-General for human rights in Cambodia met with the members of the Inter-Ministerial Committee. The meeting was chaired by the Minister of Justice, who is also chairing the Committee. The Special Representative commended the progress made so far and encouraged the Government to submit the first two reports as soon as possible and to start reporting on the other conventions (see also A/50/681, paras. 58 and 83).

83. The Inter-Ministerial Committee discussed the draft report written by the subcommittee on the International Covenant on Civil and Political Rights from March 1995 to June 1995. The reporting and review process was delayed for various reasons, such as the lack of experience in drafting such reports for the first time, the difficulty in collecting relevant and reliable information and documentation and the lack of availability of senior government officials at the Inter-Ministerial Committee's level. The draft is now awaiting the final approval of the Council of Ministers before submission to the Human Rights Committee.

84. Concerning the report on the Convention on the Rights of the Child, the Centre has provided the subcommittee on that convention with advisory assistance as well as some documents and relevant information. Since March 1995, a human rights reporting officer has been provided to the Centre by UNV for one year, to continue to assist the subcommittee, which has also been helped in its work by the NGO Committee on the Convention on the Rights of the Child, specifically created to help the Government as well as to write an NGO report. The subcommittee finished drafting the report at the beginning of April, and the draft is awaiting revision by the Inter-Ministerial Committee. The final version was expected to be available in mid-September 1995.

85. In April, the Inter-Ministerial Committee on Reporting established a new subcommittee to draft the report of Cambodia on the International Convention on the Elimination of All Forms of Racial Discrimination. At its forty-sixth session, the Committee on the Elimination of Racial Discrimination decided to examine the implementation of the Convention in Cambodia at its forty-seventh session on 11 August. On 20 April, the Director of the Centre attended the first meeting of this subcommittee in order to briefly present the Convention and the expectation of the Committee. The Subcommittee on the Elimination of Racial Discrimination decided to meet twice a week. It had difficulties in gathering relevant information and data. The Centre is providing it with advisory assistance, through the UNV reporting officer, and with documents and relevant information. As the Subcommittee has not finished drafting the report, the Government requested the Committee on the Elimination of Racial Discrimination to postpone its examination of Cambodia until its next session, in the beginning of 1996, to which the Committee agreed. The report of Cambodia is therefore due by 31 December 1995.

5. Education for human-rights and teacher training

86. In collaboration with the Cambodian Institute of Human Rights, the Centre has continued to support the development of human rights curricula for years 1 to 11 of the Cambodian school system. The Centre had 5,000 copies of the ABC Human Rights book printed in Khmer to be used by teachers at the primary-school level. The Centre has delivered several lectures at the Institute on the Constitution and United Nations international conventions to representatives of Cambodian NGOs, jurists, law students, schoolteachers and monks as well as to participants in workshops and training sessions on the topic "Human rights teaching methodology in primary and secondary schools".

87. In April 1995, a lecture on "What are human rights?" was given for 60 high-school and primary-schoolteachers during a seminar held by the Khmer Institute for Democracy (KID).

88. Moreover, UNESCO, with some support from the Centre, is developing a curriculum on social studies at the secondary level which will include human rights aspects.

89. Over the past seven months, the Centre has developed and structured human rights curricula for use by NGOs and the Royal Cambodian Armed Forces. Examples of such curricula include: human rights training by non-governmental organizations; combined human rights/non-governmental organizations police training programme; investigation and monitoring guidelines for non-governmental organizations; definitions of human rights violations; and the Military Assistance Programme.

90. A curriculum has been developed for the judicial human rights training workshop to be conducted by representatives of the Centre at the Ministry of Justice.

91. Activities of the Centre in education of Buddhist monks has included: (a) upon an invitation of the Cambodian Institute of Human Rights, lectures to the teachers of monks at the Ministry of Religious Affairs; and (b) lectures in several pagodas for the monks on the relationship between Buddhist precepts and human rights, within the framework of the programme on teaching skills and training for Buddhist elementary teachers throughout Cambodia, organized by the Institute in April and May 1995. Additionally, during July and August 1995, a curriculum for non-governmental organizations on human rights training of monks was developed.

92. In Siem Reap Province, a human rights poster contest was held in May 1995 with the cooperation of the provincial governor, the State Secretariat for Women's Affairs, the Vice-Chairperson of the Commission on Human Rights and Reception of Complaints of the National Assembly, provincial officers of human rights and children's rights non-governmental organizations, the Ministry of Education and the provincial office of the Centre. Copies of the Universal Declaration of Human Rights in Khmer were distributed to each of the 61 participating schools and commented upon by the teachers to help the students select their topics. The quality of the drawings was found to be excellent by the jury. The top 100 entries were put on display. The four senior winners

went to Phnom Penh and met government officials, visited the National Assembly, and met with human rights organizations and the Director of the Cambodia office. The Canada Fund and provincial branches of human rights and children's rights non-governmental organizations provided the funds to hold the contest.

6. Support to non-governmental organizations and civil society

93. There are more than 30 Cambodian human rights non-governmental organizations. About 10 of them have developed experience in the field of protection, monitoring and education in human rights.

94. Several dealing with more specialized issues, such as women's rights, children's rights, minorities' rights or the rights of the accused. Some have also integrated development and social issues into their activities. 10/ Groups of non-governmental organizations have been created to increase cooperation and mutual assistance, such as: Ponleu Khmer, a federation which focuses on lobbying on social and political issues; the Human Rights Task Force on Cambodia, a coalition of international and local non-governmental organizations that provides training and advisory services to local NGOs; the Cambodian Human Rights Coordination Committee which regroups 15 local organizations which diffuse information on NGOs activities; and the Human Rights Action Committee, a group of eight organizations that monitors urgent human rights violations and has branches in several provinces.

95. Human Rights Day, 10 December, is an official holiday in Cambodia. A group of 30 human rights non-governmental organizations and ministries organized a celebration of the Day at the Olympic Stadium for thousands of participants, including monks, nuns, schoolchildren, as well as members of the governmental and the diplomatic corps. The Centre contributed to the funding of the event, and the Director of the Cambodia office addressed the celebration.

96. Upon the invitation of KID, on 6 June 1995, the Director of the office also addressed the Conference to celebrate the International Year of Tolerance organized by KID, at which a letter of support from His Majesty the King was read and speeches were also delivered by the Second Prime Minister, the Under-Secretary of State of the Ministry of Culture, the Director of the UNESCO office and the representative of UNHCR.

97. Despite real progress, non-governmental organizations still need further training and technical assistance to increase their competence and their ability to carry out both protection and promotional activities effectively. They are still fragile, especially at the provincial level. Those of them working on human rights protection still need to be further strengthened and protected.

98. Local non-governmental organizations have consistently expressed their appreciation for the support provided to their activities by the Centre in a phase of consolidation of democracy in Cambodia. The Centre has been able to provide them with daily advisory and consultative services, training and education in human rights. Meetings with human rights non-governmental organizations are taking place on a regular basis to discuss various human rights issues, to exchange information and to find the appropriate way to deal

with certain cases. 11/ This form of assistance to NGOs is also being provided in Battambang, Kampong Cham and Siem Reap through the Centre provincial offices. Specific training activities for NGOs have included the follcwing:

- In December 1994, a human rights workshop was conducted for the Cambodian Defenders Project on training new Defenders in international human rights law;

- In January 1995, a workshop was held for the Vietnamese Association and Ligue cambodgienne pour la promotion et la défense des droits de l'homme (LICADHO) on how to conduct interviews and draft reports. A lecture was given to human rights trainers of Outreach, upgrading their training techniques;

- In March 1995, a workshop for Vigilance was held on upgrading its abilities in conducting monitoring and investigation;

- The Combined Human Rights Non-governmental Organizations Police Training Programme workshop was conducted in Phnom Penh; the workshop aimed at training Cambodian non-governmental organizations, including ADHOC, LICADHO, Vigilance and Outreach, in teaching a common, core human rights course for police throughout Cambodia;

- Lectures were organized by KID and given by the Centre on the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment for the NGO Victim Contribution Assistance Organization; and on the Convention on the Rights of the Child, for the Children's Development Association in Cambodia;

- In May 1995, a workshop was conducted for human rights trainers of CHARTO with the technical assistance of the Centre on upgrading their training techniques, and a round-table discussion was held for Cambodian human rights non-governmental organizations at the European Union office, reviewing NGOs' training methodology and coordination;

- In June 1995, a squatters' rights workshop was held for the Urban Sector Group, training its members to teach squatters about their rights. A workshop on the International Convention on the Elimination of All Forms of Racial Discrimination was conducted by the Centre for Khmer Kampuchea Krom Human Rights Association (KKKHRA). A lecture was given on children's rights to LICADHO and the Cambodian Centre for the Protection of Children's Rights;

- In Siem Reap, the provincial liaison and support officer assisted LICADHO in a human rights training session for the police. On 26 June, the Centre's provincial office commemorated with human rights non-governmental organizations the signing of the Charter of the United Nations and its significance for promoting and protecting human rights;

- On 26 June, the Cambodia office commemorated the fiftieth anniversary of the signing of the Charter of the United Nations and its significance for promoting and protecting human rights by inviting all Cambodian

human rights non-governmental organizations to the Cambodia office and discussing those Articles of the Charter relevant to human rights;

- In July, three months after ADHOC, LICADHO, Vigilance and Outreach were trained in applying the common-core human rights curriculum for police training, an assessment workshop was held to review the teaching techniques when applying this curriculum.

99. The Centre has also provided assistance to several non-governmental organizations working on children's issues. It has regularly attended the monthly meetings of the Child Welfare Group, composed of more than 40 competent organizations. The Centre has assisted the NGO Committee on the Convention of the Rights of the Child, composed of nine organizations elected by the non-governmental community. It assists the governmental subcommittee on the Convention on the Rights of the Child in its work of drafting the report of Cambodia (see paras. 84-88). It also drafts its own report to be sent to the United Nations Committee on the Rights of the Child and promotes and monitors the Convention in Cambodia.

100. The Centre has also provided technical support to the work of ECPAT, dealing with the issue of trafficking in and prostitution of children. With the collaboration of a consultant from ILO the Centre has also invited a Thai non-governmental organization, the Centre for the Protection of Children's Rights, which deals with child prostitution, to come to Phnom Penh to meet the local non-governmental organizations dealing with trafficking in children. The members of the Centre for the Protection of Children's Rights explained their work and initiated contacts with Cambodian organizations.

7. Human rights and the media

101. In May 1995, as part of the Joint Initiative for Training in Ethics and Defamation (JITED), a seminar for Cambodian journalists on the professional understanding of defamation and of international human rights norms related to freedom of expression (rights and responsibilities) was organized by UNESCO and the Centre at the Cambodian Communication Institute at the Ministry of Information. The Minister delivered the opening speech. Two lectures were given by staff of the Centre on Cambodian law, and international and comparative law relating to freedom of the press.

8. Information and documentation

102. The Centre has continued to provide a variety of human rights materials in Khmer, French and English to ministries, embassies, United Nations agencies, non-governmental organizations, institutions and journalists.

103. The following materials are the most common disseminated in Khmer by the Centre: Constitution of Cambodia; Universal Declaration of Human Rights; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child;

International Convention on the Elimination of All Forms of Racial Discrimination; Basic Principles on the Independence of the Judiciary; Standard Minimum Rules for the Treatment of Prisoners; and Code of Conduct of Law Enforcement Officials.

104. These materials are provided upon request or used as part of the curricula for lectures, workshops and seminars. A total of 46 ministries, embassies, United Nations agencies, institutions, non-governmental organizations, journalists and other organizations have received these materials, inter alia: Ministry of Interior, Ministry of Defence, State Secretariat for Women's Affairs, Faculty of Law, Cambodian Communication Institute, UNDP, LICADHO, Cambodian Defenders' Association (CADEAS), Khmer Buddhist Society.

105. On Human Rights Day, 10 December 1994, thousands of human rights posters, brochures and stickers were distributed by the Centre to the general public attending the Human Rights Day celebration organized by Cambodian human rights non-governmental organizations.

106. The Centre provides a resource and video room for visitors, who can also view videos produced by UNTAC or other human rights productions. Within the coming months the office is planning to publish a monthly newsletter describing the relevant activities of the Government, the National Assembly, the Cambodian human rights non-governmental organizations, United Nations agencies and the Centre.

9. Training of government officials

107. The Centre has funded a study trip for 19 Cambodian health officials to Thailand to study AIDS prevention strategies adopted in that country. The project was a joint initiative of several United Nations agencies, including UNDP, WHO, UNICEF and the Centre for Human Rights, and followed various recommendations of the Special Representative for Human Rights in Cambodia towards strengthening the Cambodian response to the AIDS epidemic.

10. Visit of Ms. Graça Machel

108. UNICEF and the Centre for Human Rights, through its Cambodia office, organized the visit to Cambodia, from 3 to 9 June 1995, of Ms. Graça Machel, the Expert appointed by the Secretary-General to carry out a study on the impact of armed conflict on children. During her visit, the Expert met with the First Prime Minister and the two Co-Ministers of Defence, the heads of United Nations agencies, funds and programmes and the United Nations resident coordinator, attended the land-mines conference in Phnom Penh and made a field visit to Battambang Province. In Phnom Penh, the Centre organized three meetings with Cambodian non-governmental organizations, one with women's organizations, one with human rights and children's rights organizations, and one with the NGO Committee on the Convention on the Rights of the Child. The Centre also organized a working session on children in armed conflict with UNHCR and ICRC, as well as a meeting with Ambassadors. Finally, the Centre arranged a meeting with the monk Non Nget in Pagoda Batom.

11. Overview of the Provincial Offices Network

109. In December 1993, as a follow-up to the work of the UNTAC Human Rights Component on human rights education in the provinces, one of the priorities which had been established in the Centre's programme of human rights activities in Cambodia was the strengthening of human rights activities at the local and provincial levels.

110. Implementation of the Provincial Network Programme was begun in February 1995 by the opening of the Siem Reap office, followed by the Kampong Cham office on 22 February 1995 and the Battambang office on 25 April 1995. Each office is run by a UNV Human Rights Officer who is assisted by a local Human Rights Assistant. A UNV Provincial Network Coordinator is based in Phnom Penh. The primary functions of the provincial offices are to provide technical support, training and information services to the provincial authorities, the judiciary, the police, the military, local communities and the local non-governmental organizations, as well as to assess technical assistance needs at the provincial level.

111. At the time of preparation of the present report, many activities had already taken place in each of the above-mentioned provinces, among which the following are noteworthy:

(a) Siem Reap. Meetings with the police, military police and prison authorities; human rights training for the police and gendarmerie (military police) (see also paras. 69-80 above); dissemination of information to the local community; community activities such as a human rights posters contest organized for the primary and secondary school students (see paras. 89-95 above); work with the Siem Reap Tribunal; dissemination of compilations of international instruments and Cambodian laws to the community leaders; visits to the prison;

(b) Kampong Cham. Human rights training for senior police officers and gendarmerie; meetings with judges; meetings with Provincial Civil Administration; reporting on the situation of unaccompanied children; sewing training programme for female detainees; visits to the prison; meetings with the local human rights non-governmental organizations. This provincial office received much support from UNHCR;

(c) Battambang. Meetings with judicial, police and gendarmerie authorities; human rights training for the police; visits to camps of internally displaced persons; human rights training for villagers; training on the rights of the child; meetings with human rights non-governmental organizations; visits to the prison.

112. Additional provincial offices will be opened depending on the availability of funds.

D. Administrative, financial and other matters

113. The budget for 1994-1995 for a continued United Nations human rights presence in Cambodia (see A/C.5/48/78) was approved by the Fifth Committee of

the General Assembly on 22 July 1994 without a vote (see A/48/811/Add.4, paras. 9-11). The General Assembly, in its resolution 49/199 of 23 December 1994, requested the Secretary-General to ensure adequate resources, from within existing United Nations resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights of the Secretariat.

114. Most of the administrative problems identified in the previous report to the General Assembly (see A/49/635/Add.1, paras. 59-71) have been resolved. For instance, an increase of the imprest account (from $100,000 to $275,000 for three months was approved and implemented in June 1995. This has improved the operation of the Cambodia office and programmes, which had increased considerably with the enhanced functioning of the operational presence in the provinces, e.g., the Provincial Offices Network and the Judicial Mentors Network. Both local and international staff of the Cambodia office have been provided with more secure contractual conditions and payment of salaries is being made without delay. All other operational and programme expenses are met promptly.

115. Despite these improvements, a number of structural difficulties remain, owing to the absence of appropriate administrative and financial autonomy of the Centre for Human Rights (a part of the United Nations Secretariat) and, in turn, its Cambodia office. Decision-making power on these issues ultimately lies with Administrative and Financial Services of the United Nations Office at Geneva (UNOG). The lack of proper administrative support by the Centre (owing to lack of resources) and UNOG, or, alternatively, appropriate delegation of authority in these matters to the Cambodia office negatively affect the smooth operation of the office and the effective and timely implementation of the Centre's programme in Cambodia.

116. The General Assembly, in its resolution 49/199, paragraph 1, and the Commission on Human Rights, in its resolution 1995/55, paragraph 1, recognized the enhanced functioning of the operational presence of the Centre for Human Rights in Cambodia, and requested the Secretary-General to ensure adequate resources, from within existing United Nations resources.

117. In addition, the General Assembly and the Commission on Human Rights, in the above-mentioned resolutions (paras. 6 and 7 respectively) requested the Special Representative, in collaboration with the office in Cambodia of the Centre, to undertake an evaluation of the extent to which the recommendations made by the Special Representative in his reports, for which no financial implications were provided in the budget for the biennium 1994-1995, were followed up and implemented. In order to implement that request, entailing a review of the extent to which all the recommendations made since 1993 have been followed up or implemented, there is a need for a consultant assisted by a local assistant-cum-interpreter.

III. ACTIVITIES OF THE UNITED NATIONS SYSTEM IN THE FIELD OF HUMAN RIGHTS IN CAMBODIA

118. The Vienna Declaration Programme of Action recommended an increased coordination in support of human rights within the United Nations system. 12/ The Centre for Human Rights was to play an important role in coordinating system-wide attention for human rights. The coordination of the United Nations system in the field of human rights and the cooperation received by the Centre are very satisfactory.

119. The representative of the Secretary-General in Cambodia, Mr. Benny Widyono, whose mandate, under Security Council resolution 880 (1993), is to maintain close liaison and dialogue with the Government in accordance with the spirit and principles of the Paris agreements, to monitor the political situation in Cambodia and report on significant developments relating to peace and security, to report on his activities to the Secretary-General through the Under-Secretary-General for Political Affairs and to maintain liaison and dialogue with the Resident Coordinator, the head of the Human Rights Centre in Cambodia and other United Nations agencies.

120. The United Nations Resident Coordinator in Cambodia convenes regular meetings of the heads of United Nations agencies, funds and programmes to discuss questions of common interest and improve the cooperation with the Government. The United Nations system in Cambodia includes the Resident Coordinator, the representative of the Secretary-General in Cambodia, FAO, the International Monetary Fund (IMF), the United Nations Centre for Human Rights, UNDP, UNESCO, the United Nations Population Fund (UNFPA), UNHCR, UNICEF, UNV, WFP, WHO, as well as the ILO and United Nations Industrial Development Organization (UNIDO) representatives for Cambodia in Bangkok. Regular meetings are also organized for administrative officers in order to exchange information and harmonize questions relating to finance, personnel, administration, etc.

121. The meetings between the heads of agencies included the following topics: disaster preparedness (flood alert, drought), humanitarian aid and relief (food, assistance to displaced persons, etc.), security, HIV/AIDS, gender issues, the rule of law, good governance, joint celebration of United Nations days or years (on signing of the Paris agreements, human rights, the child, children victims of aggression, eradication of poverty, tolerance, women, refugees, peace, health, etc.). The United Nations agencies, funds and programmes in Cambodia, including UNDP, UNESCO, UNFPA, UNICEF, UNV, WHO and the Centre for Human Rights have established a United Nations/HIV/AIDS Technical Working Group to help coordinate and integrate all efforts by these agencies, the Government and other concerned parties to respond to the epidemic through a multi-sectoral, comprehensive and coordinated approach. Initiatives of the Group have included: the cost-sharing venture to finance a multi-sectoral AIDS study tour for concerned Cambodian government officials in Thailand; encouragement to the Ministry of Information to take a more active and creative approach in its efforts to inform the Cambodian public; and improving the coordination between the different United Nations agencies involved in combating the spread of the virus. A resource manual, "Your United Nations", is being prepared by the Cambodian Communication Institute to introduce the different United Nations agencies, including the Centre for Human Rights to the Cambodian journalists.

122. A joint statement of the United Nations resident representatives in Cambodia was prepared and distributed on the occasion of the third International Conference on the Reconstruction of Cambodia, held in Paris in March 1995, and affirmed that the observance of human rights and the maintenance of democracy and the rule of law would continue to feature prominently throughout all of the United Nations support activities and that specific advisory services and capacity-building support would continue to be provided for such purposes as prison reform, training of the judiciary and public education and information.

123. In General Assembly resolution 49/199, paragraph 20, and Commission on Human Rights resolution 1995/55, paragraph 22, the Centre for Human Rights was requested, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative of the Secretary-General for human rights in Cambodia, paying particular attention to women and vulnerable groups, including children and minorities.

124. On 12 June 1995, the head of the Cambodia office of the Centre for Human Rights informed the other heads about the Vienna Declaration and Programme of Action and the relevant provisions of the resolutions of the General Assembly and the Commission on Human Rights. It was agreed that all organizations would inform the Centre of their programmes and activities related to human rights issues so that the Centre might inform the General Assembly and the Commission in its reports.

125. The United Nations Resident Coordinator and the heads or senior officers of UNDP, the United Nations Centre for Human Rights, UNFPA, UNHCR, UNICEF, UNIDO and UNV Cambodia attended the fifteenth Workshop on the Management of Field Coordination for Senior United Nations System Representatives organized from 22 to 30 June 1995 at the ILO International Training Centre in Turin. Three common objectives were identified by the Cambodia team: elimination of poverty; strengthening the capacity of the judiciary and the establishment of the rule of law by an improved clarification and dissemination of law; and social regeneration by promoting ethnic tolerance through development of interdisciplinary research on ethnic groups, public awareness raising, special programmes to introduce human rights and ethnic tolerance in school curricula.

126. At the time of preparation of the present report, ILO, UNDP, UNFPA, UNHCR, UNICEF and WFP had provided the information which is presented below.

127. ILO activities and projects include substantial consultancy services to the Secretariat of State of Social Affairs, Labour and Veterans Affairs in the drafting of a labour law with special emphasis on freedom of association (ILO Convention No. 87); the Employment Generation Programme for Cambodia composed of three projects: labour-based public works, small enterprise and informal sector promotion and vocational training for employment, mainly financed by UNDP, all of which give special attention to women and disabled persons.

128. UNDP has developed a project on human rights teaching, methodology and training for primary and secondary schools, also funded by the European Union and Comité contre la faim et pour le développement, which will allow the

Ministry of Education, with the assistance of the Cambodian Institute of Human Rights, to develop curricula and produce training materials on human rights to be integrated into the school programmes for grades 1 to 12 throughout Cambodia. An inter-ministerial committee was established by the Government in 1994, with the support of UNDP and UNV, to promote highland peoples' development as part of a sub-regional programme which will reinforce mutual understanding and increased knowledge and skills regarding highland peoples.

129. UNFPA programmes include: birth spacing services and information (women's rights, right to information, right to health); family kits for internally displaced persons (right to shelter, assistance, health and protection); education on population and social science in secondary school (including teaching of human rights and right to education); training on advocacy for women in development (women's rights); media-led campaign on AIDS and birth spacing; preparation of a national census/demographic analysis (right to be recognized as a person before the law); interdisciplinary studies on ethnic groups, minorities and indigenous people (see also para. 130 below).

130. UNHCR has developed programmes for international protection and assistance to refugees, voluntary returnees, internally displaced persons and other persons of concern to the Office. These programmes include assistance to: several hundred Cambodian refugees still residing in the region who are expected to voluntarily repatriate; vulnerable returnees (to promote self-sufficiency for vulnerable families through non-governmental organizations counselling, income-generating activities, etc., in particular for female-headed households - the larger grouping, for which long-term solutions remain problematic); internally displaced persons, as a follow-up to the military conflict (in cooperation with the Government, WFP and the Cambodian Red Cross); displaced ethnic Vietnamese in Cambodia who in 1993 fled by boat their traditional places of residence on Tonle Sap lake as a result of persecution and who are now in a refugee-like situation, pending a durable solution (in collaboration with the Government, WFP, the United Nations Centre for Human Rights, Medecins du monde, the Cambodian Red Cross and other partners). UNHCR is also conducting training, promotion and advocacy on refugee law and other norms relating to asylum-seekers, displaced persons and voluntary returnees and has initiated and partly funded a project called "Interdisciplinary research on ethnic groups in Cambodia" with the Preah Sihanouk Raj Academy, with the aim of identifying problems relating to the integration of ethnic minority groups in Cambodian society.

131. The UNICEF Plan of Operations 1996-2000 includes programmes on protection and care of vulnerable children and women, basic education, health care, social mobilization for rights and goals, food, water and environment, community education and child care and capacity-building focused on women and youth.

132. UNIDO in 1994 assisted in preparing a large-scale project for the establishment of a food safety and quality control system in Cambodia, which is planned for 1995-1997 subject to approval by donors.

133. UNV is contributing to the Provincial Offices Network of the Centre by providing United Nations Volunteers who perform the function of Human Rights Officer in charge of each provincial office (see paras. 111-117).

134. WFP is committed to the basic human rights of an estimated 2.2 million Cambodian people living in poverty to have protection from hunger and malnutrition. For this purpose, WFP is conducting: poverty mapping (to identify locations vulnerable to food insecurity because of floods followed by drought); food aid and rehabilitation (2,400 village-based development projects, rehabilitation, training, credit and emergency relief); emergency assistance to villagers forced repeatedly to flee their homes and farms in the north and north-west provinces (internally displaced persons) because of military conflict; food-for-work schemes organized as part of a resettlement programme, water supplies, sanitation or shelter at their temporary locations; food aid since August 1993 to ethnic Vietnamese families stranded at Chrey Thom, in cooperation with the Cambodian Red Cross and UNHCR.

Notes

1/ E/CN.4/1994/73, paras. 229-271.

2/ E/CN.4/1995/87 and Add.1.

3/ E/CN.4/1994/73, paras. 252-271.

4/ A/49/63/Add.1, paras. 10-58.

5/ E/CN.4/1995/87, paras. 7-52.

6/ Ibid., para. 11.

7/ See E/CN.4/1995/87/Add.1.

8/ See also A/49/635/Add.1, paras. 19-28, and E/CN.4/1995/87, paras. 23-25.

9/ See A/49/635/Add.1, paras. 29-33 and E/CN.4/1995/87, paras. 26-33.

10/ See A/49/635/Add.1, paras. 37-43, and E/CN.4/1995/87, paras. 39-43.

11/ See E/CN.4/1995/87, para. 40.

12/ A/CONF.157/24, chap. II, sect. II.A, para. 1.

ANNEX I

Contributions to the Trust Fund for a Human Rights Education Programme in Cambodia (as of 30 June 1995)

(In United States dollars)

Australia	35 555
Iceland	35 714
Luxembourg	31 384
Norway	71 174
Sweden	279 762
Total	453 589

ANNEX II

Expenditures under the Trust Fund for a Human Rights Education Programme in Cambodia (as of 31 July 1995)

A. Assistance to the Cambodian Government

(In United States dollars)

Activity	Amount spent a/	Amount committed
Advisory services on prison reform and seminar on prisons	16 409	
Training and information activities		98 102
Assistance in reporting obligations	17 400	
Study trip for health officials to Thailand on AIDS prevention strategies	3 388	
Provincial network	18 973	61 726
Judicial Mentor Programme	23 426	151 374
Total	79 596	159 828
Grand total	239 424	

a/ The amount indicated as "spent" had been disbursed as of 31 July 1995; the amount indicated as "committed" was being used for ongoing projects.

B. Assistance to Cambodian non-governmental organizations

(In United States dollars)

Organizations	Amount approved	Brief description
Cambodian Institute of Human Rights	5 198	Translation into Khmer of the United Nations Manual on Reporting
Cambodian Institute of Human Rights	46 100	Curriculum project on human rights education
Cambodian Institute of Human Rights	3 901	Translation into Khmer of the compilation of international human rights instruments
Cambodian Human Rights Task Force (International Human Rights Law Group)	65 000	Assistance to Cambodian NGOs
International Catholic Migration Commission	39 074 (part I) 10 000 (part II)	Human rights education for women and communities (Battambang)
Enfants du Cambodge	800	Trauma relief: compensation to two widows whose husbands were killed as a result of a PDK attack
CHARTO	20 000	Human Rights Defender programme and training activities in the provinces
KKKHRA	10 000	Training and assistance programme for minorities
Parliamentary Organization for Social Development	13 427	To support the National Assembly and to broaden popular participation in the legislative process
Ponleu Khmer	6 000	Production of leaflets and newsletters on human rights
ASCEND	15 000 (part I) 5 000 (part II)	Production of videos in Khmer on criminal justice issues, prisons, child abuse and the handicapped
CADEAS	5 000	Human Rights Defenders programme
Vietnamese Association	5 500	Assistance to displaced ethnic Vietnamese
Urban Sector Group	29 328	To work with urban poor, particularly squatters on forced evictions and housing rights issues
Cambodian Women's Development Association	15 000	To work with marginalized women, particularly sex workers
Cambodian Human Rights Information Organization	17 272	To act as a liaison between the National Assembly Human Rights Commission and the local and international NGOs on human rights monitoring

Organizations	Amount approved	Brief description
Vigilance	10 000	To improve the ability of this large human rights organization's provincial offices to provide investigation and monitoring services
Human Rights Task Force on Cambodia	8 000	To strengthen the monitoring, networking and advocacy work of provincial human rights groups
Cambodian Institute of Human Rights	30 000	To print the previously prepared school human rights curriculum and distribute it to 80,000 Cambodian teachers
Cambodian Human Rights Coordination Committee	5 000	To help in the establishment of a coordinating group of nine human rights groups and in particular to defray printing costs of a newsletter
Children's Rights Project	22 000	To improve the capacity of a Khmer NGO to advocate and monitor the rights of Cambodian children
Action Committee	5 000	To help establish a committee of six NGOs to respond quickly to human rights violations
Vietnamese Association	10 000	To provide skilled technical support in the areas of investigation and monitoring of human rights abuses against the Vietnamese minority
Outreach	10 000	To provide technical assistance to improve the research and report writing skills of this organization on women's issues
LICADHO	15 000	Medical assistance in prisons
LICADHO	3 000	Publication of hygiene booklets
CHARTO	9 625	Human rights video and production on women's and children's rights to be disseminated to human rights NGOs
LCDHC	300	Celebration of Human Rights Day (10 December 1994)
ADHOC	300	Ditto
LICADHO	300	Ditto
Action Committee	500	Ditto
Cambodian Institute	1 600	Ditto
Total cost of projects	442 225	

ANNEX III

Conventions in the field of human rights ratified by Cambodia

A. Conventions with reporting obligations.

1. United Nations Conventions

Instrument	Date of signature	Date of receipt of the instrument of ratification or accession	Date of entry into force	Initial report due	Initial report submitted	Periodic report due	Monitoring body
International Covenant on Economic, Social and Cultural Rights	17 October 1980	26 May 1992 (accession)	26 August 1992	30 June 1994		Whenever the Committee so requests (art. 17)	Committee on Economic, Social and Cultural Rights (Geneva)
International Covenant on Civil and Political Rights	17 October 1980	26 May 1992 (accession)	26 August 1992	25 August 1993		Whenever the Committee so requests (art. 40)	Human Rights Committee (Geneva)
Convention on the Elimination of All Forms of Racial Discrimination	4 November 1983	28 November 1983 (ratification)	28 December 1983	28 December 1984	18 December 1985 CERD/C/111/Add.4	28 December 1986 (2) 1988 (3) 1990 (4) 1992 (5) (art. 9)	Committee on the Elimination of Racial Discrimination (Geneva)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		15 October 1992 (accession)	14 November 1992	13 November 1993		Every four years and whenever the Committee so requests (art. 19)	Committee against Torture (Geneva)
Convention on the Rights of the Child	22 September 1992	15 October 1992 (ratification)	14 November 1992	13 November 1994		Every five years (art. 66)	Committee on the Rights of the Child (Geneva)
Convention on the Elimination of All Forms of Discrimination against Women	17 October 1980	15 October 1992 (accession)	14 November 1992	14 November 1993		Every four years and whenever the Committee so requests (art. 44)	Committee on the Elimination of Discrimination against Women (New York)
Convention on the Suppression and Punishment of the Crime of Apartheid		28 July 1981 (accession)	28 August 1981			Periodic report (art. VII)	Group of three members of the Commission on Human Rights

2. ILO Conventions

Instruments	Date of receipt of the instrument of ratification or accession	Date of entry into force	Initial report due	Initial report received	Monitoring body
Night Work (Women) Convention (No. 4)	24 February 1969	24 February 1970	Annual report (art. 22 of ILO Constitution)	No report has been submitted by Cambodia to the ILO under this Convention for more than 15 years	ILO Committee of Experts on the Application of Conventions and Recommendations
Night Work of Young Persons (industry) Convention (No. 6)	24 February 1969	24 February 1970	Annual report (art. 22 of ILO Constitution)	Ditto	ILO Committee of Experts on the Application of Conventions and Recommendations
White Lead (painting) Convention (No. 13)	24 February 1969	24 February 1970	Annual report (art. 22 of ILO Constitution)	Ditto	ILO Committee of Experts on the Application of Conventions and Recommendations
Forced Labour Convention (No. 29)	24 February 1969	24 February 1970	Annual report (art. 22 of ILO Constitution)	Ditto	ILO Committee of Experts on the Application of Conventions and Recommendations
Employment Policy Convention (No. 122)	28 September 1971	28 September 1972	Annual report (art. 22 of ILO Constitution)	Ditto	ILO Committee of Experts on the Application of Conventions and Recommendations

Note: On 15 August 1994, on the basis of the procedure established by article 19 of the ILO Constitution, which provides for submission of reports on non-ratified conventions, Cambodia submitted a report under Convention 158 (Termination of Employment).

B. Other United Nations conventions

1. Convention on the Prevention of the Crime of Genocide: accession, 14 October 1950; entry into force, 2 November 1950.

2. Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery: accession, 12 June 1957; entry into force, 12 June 1957.

3. Convention relating to the Status of Refugees and 1969 Protocol: accession, 15 October 1992; entry into force, 3 November 1992.

C. Other conventions: UNESCO

1. Accord pour l'importation d'objets de caractère éducatif, scientifique ou culturel, avec annexes A, B, C, D et E et Protocole annexe: accession, 5 November 1951.

2. Convention universelle sur le Droit d'auteur et Protocoles 1, 2 et 3: accession, 3 August 1953.

3. Accord visant à faciliter la circulation internationale du matériel visuel et auditif de caractère éducatif, scientifique et culturel: accession, 20 February 1952.

4. Centre international d'Etudes pour la conservation et la restauration des biens culturels (ICCROM): accession, 13 June 1961.

5. Convention et Protocole pour la protection des biens culturels en cas de conflit armé: ratification, 4 April 1962.

6. Convention concernant les mesures à prendre pour interdire et empêcher l'importation, l'exportation et le transfert de propriété illicites des biens culturels: ratification, 26 September 1972.

7. Convention concernant la protection du patrimoine mondial culturel et naturel: acceptance, 28 November 1991.

D. Geneva Conventions of 1949 for the protection of war victims

1. Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field: accession, 8 December 1958.

2. Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea: accession, 8 December 1958.

3. Convention relative to the Treatment of Prisoners of War: accession, 8 December 1958.

4. Convention relative to the Protection of Civilian Persons in Time of War: accession, 8 December 1958.